

103

SITUATION IN KOSOVO

Y 4.F 76/1:K 84/15

Situation in Kosovo, 103-2 Hearing...

HEARING
BEFORE THE
SUBCOMMITTEE ON
EUROPE AND THE MIDDLE EAST
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS

SECOND SESSION

OCTOBER 5, 1994

Printed for the use of the Committee on Foreign Affairs



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SITUATION IN KOSOVO

WEDNESDAY, OCTOBER 5, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON EUROPE AND THE MIDDLE EAST,
Washington, DC.

The subcommittee met, pursuant to call, at 3:30 p.m. in room 2255, Rayburn House Office Building, Hon. Eliot L. Engel, presiding.

Mr. ENGEL [presiding]. We will begin now.

I apologize for the delay. We must have been about 10 feet from the room, and the bells went off, and they assured me there would be an immediate second vote which never materialized. Such is the House of Representatives.

I want to welcome everybody to the hearing. I want to especially welcome our guests. And let me start by saying that for too long ethnic Albanian citizens of Kosova, who comprise 90 percent of the province's population, have been dominated and repressed by Serbia. Until today, no committee of Congress has held a hearing solely dedicated to shedding light on the Kosova question. I firmly believe that today's hearing is important in raising congressional awareness of the Kosova dispute and is very timely as circumstances change rapidly in the Balkans.

Kosovars voted overwhelmingly for the independence of their state in December of 1990. They have chosen Ibrahim Rugova to be the President and Bujar Bukoshi to be its first Prime Minister. Serbia, however has not seen fit to recognize what I believe are very valid and legitimate acts of self-determination. Belgrade has prevented the new government from meeting in the Kosova capital of Pristina and strictly controls all meetings and expression of political views.

Today, the human rights situation in Kosova is grave and is made worse by the July 1993 expulsion by the Serbian authorities of international monitors. I must say that in the spring of 1993, I and three of our colleagues went to Kosova to observe firsthand exactly what was going on there, and we were obviously not very happy with what we saw. The pale of oppression really hung over Pristina and all parts of Kosova which we visited. It was clear to us that ethnic Albanians are denied access to education, health care, and legal process solely on the basis of their ethnicity. More are dismissed from their jobs due to their Albanian heritage.

Human rights groups from Amnesty International—whose representatives I am glad to welcome to the subcommittee today—and Human Rights Watch to the CSCE and others, document worsen-

ing humanitarian conditions, especially since the departure of international monitors. I strongly believe that the United States must demand the return of international observers and speak out more vociferously against the extension of ethnic cleansing to Kosova.

The security situation there is very troubling. As the conflict between Bosnian Muslims and Croats is brought to a close and the situation throughout Bosnia may be ready to improve, I fear that Belgrade may turn its attention to Kosova in a negative way. If Serbia escalates its aggressive behavior in Kosova, the Balkan conflict may spread into Macedonia, drawing in Albania, Bulgaria, Greece and possibly Turkey.

I support statements by the U.S. Government threatening a stern American response—and I am going to, “in the event of conflict in Kosovo caused by Serbian action,”—and believe that this administration should reiterate those warnings.

In 1989, the former Yugoslav Government in Belgrade rescinded the autonomy under which Kosova had lived for many years. This unilateral act represented one of the opening shots in Serbia’s aggressive war against its neighbors. But in recent months negotiations with Serbia have progressed to the point that the international community has apparently agreed to a limited easing of sanctions against Belgrade; and while this may produce some positive results in Bosnia, I am deeply concerned about its effect on Serb policy toward Kosova.

I am pleased that Deputy Assistant Secretary of State Frasure has joined us to discuss this and other policies toward Kosova. To increase pressure on Milosevic and his fellow governmental oppressors of Kosova, I introduced earlier this year, along with Representative Susan Molinari, the Kosova Peace and Democracy Act. This bill, which now has 27 cosponsors, including 5 members of this subcommittee, would condition the lifting of sanctions against Serbia upon improvement in human rights in Kosova.

[A copy of the bill, H.R. 4115, Kosova Peace and Democracy Act, appears in the appendix.]

I am glad that we are also joined today by Paula Dobriansky. She is a former Deputy Assistant Secretary of State for Human Rights during the Reagan and Bush administrations. She has been one of the few policy experts who has spoken out in favor of freedom in Kosova.

I would also like to welcome Professor Dennison Rusinow of the University of Pittsburgh to our hearing. I look forward to his thoughtful comments to help the subcommittee place the Kosova issue in a broader overall context.

I also want to welcome the other witness, Joe DioGuardi, who has also worked on the situation in Kosova.

I would like to add my disappointment that neither President Rugova nor Prime Minister Bukoshi was able to join us today. Nevertheless, both have submitted comments to the subcommittee, which will be included in the hearing record.

[The information appears in the appendix.]

Mr. ENGEL. I just want to read a couple of paragraphs from Dr. Bukoshi’s letter: “Of all the nations”—and this is Dr. Bukoshi in his letter to me—“Of all the nations in the world and international

institutions, the United States of America has demonstrated the clearest understanding of the threat under which the 92 percent Albanian majority lives in Kosova. The ultimatum given to the Serbs by former President Bush and reiterated a year ago by President Clinton has been effective in preventing an even worse escalation of hostilities to our people by the 60,000 Serbian military, paramilitary and police forces who inundate our republic. For our part, the people of Kosova led by the President have prescribed to peaceful resistance to a totalitarian regime which is intent on driving Albanians out of Kosovo through a quiet ethnic cleansing. For 5 years we have sustained the most brutal forms of oppression and repression with the complete abrogation of all human, civil and national rights of the Albanian majority under Serbian martial law."

Ambassador Frasure and other witnesses, thank you for appearing before us today. I look forward to hearing your prepared statements. I note that our ranking member on both the subcommittee and the full committee, Ben Gilman, also has an opening statement.

Mr. GILMAN. Thank you, Mr. Chairman. And I will try to be brief.

I want to welcome our distinguished panelists who are here today, and I thank you, Mr. Chairman, for conducting this hearing; even though it is near the end of session, I think it serves a very important purpose in focusing attention on this very serious problem.

Recent events in Bosnia have demonstrated how little regard the Serbs have for the views of the international community. Their complete disregard for the mandates and requirements of the U.N. Security Council and, indeed, for the norms of civilized behavior as they carry out their plan for an ethnically cleansed greater Serbia raises concern for the region of Kosovo with its population of nearly 2 million ethnic Albanians; and I commend you for focusing attention on this issue.

Because of its potential for igniting an international conflict, I am particularly concerned about Kosova. I have introduced resolution H. Con. Res. 251 entitled International Support for Human Rights in Kosova.¹ That resolution requests the administration to report on its recommendations, taking into account the views of our European allies and the other Security Council members on how to implement protection of the rights of Kosovo's majority population of ethnic Albanians. I am pleased that a number of my colleagues on the Foreign Affairs Committee, as well as a number of other Members of the House, have cosponsored my resolution; and I invite others to do so as well.

Mr. Chairman, I welcome our distinguished witnesses. We look forward to hearing their views. I am particularly pleased that we have with us today former Congressman Joe DioGuardi who has been intensely involved with the Albanian problems for many years. Joe is the President of the Albanian-American Civic League, and I believe we will benefit from his testimony.

Also present, I note, is the Albanian ambassador, Ambassador Dilja, and we appreciate his being with us. And, again, it is good

¹ A copy of the resolution appears in the appendix.

to see so many of our Albanian-American friends who felt that this was important enough to attend this hearing.

Thank you, Mr. Chairman, for the opportunity of expressing my thoughts.

Mr. ENGEL. Thank you.

Mrs. Meyers, do you have an opening statement?

Mrs. MEYERS. No, no opening statement, Mr. Chairman.

Mr. ENGEL. Would anybody like to make an opening statement, Congressman Rohrabacher?

Mr. ROHRABACHER. No, thank you.

Mr. ENGEL. At this point, I would like to insert a statement by Rep. Steny Hoyer, co-Chairman of the Helsinki Commission.

[The prepared statement of Mr. Hoyer appears on the appendix.]

Mr. ENGEL. Now we will then proceed to the panels.

The first panel consists of Ambassador Robert Frasure, Deputy Assistant Secretary of State for European and Canadian Affairs. We welcome you, Ambassador, and look forward to your testimony.

STATEMENT OF HON. ROBERT C. FRASURE, DEPUTY ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND CANADIAN AFFAIRS

Mr. FRASURE. Thank you, Mr. Chairman. It is a great pleasure and honor to be here today to look at this very, very grave issue. As many of you know, I am new to this position in the European Bureau. The last 3 years, I was the Ambassador in Estonia and recently came back to serve with Dick Holbrooke in the European Bureau.

To prepare myself for this hearing, I have done a great deal of reading; and among other things, I read and reread the State Department human rights reports on Serbia. And I read the Amnesty International reports and other reports on the situation by various humanitarian and human rights groups. Speaking personally for a moment on this, I must say reading those reports was an absolutely chilling experience.

At an earlier stage in my career, I was the political counselor in South Africa during the P.W. Botha era, and one of the parts of the country that I traveled to frequently was the Eastern Cape. Without going into this in too much detail—I don't know whether there are any South Africa afficianados in the room or not—but the Eastern Cape was the most violent, turbulent and threatening part of South Africa. It is the part of South Africa where Steve Biko came from and was killed.

And the essence of the situation in the Eastern Cape was a state system of order, a state system of police and security which had completely gone mad and which was preying on the population, brutalizing people. People would disappear, people would be murdered; and it was a horrific experience to travel through the Eastern Cape and hear the stories.

Of all the places that I used to travel in southern Africa, I always thought that driving on the coast road at night between Port Elizabeth and East London was the most terrifying experience that you could have in South Africa.

I digress into that because reading human rights reports on the situation in Kosovo, it was almost like a complete throwback to

that period. The kinds of activities that have been going on, what Serb authorities and what Serb police do, the activities over the last several years. And there is no way that one cannot become acquainted with the situation and absolutely condemn the situation which exists on the ground.

Our policies toward the problem, toward the region, I think can be summed up in the following points. As I have indicated, we emphasize that the current situation is totally unacceptable and must be resolved.

We would like to encourage ways of developing dialogue between Kosovo, Albanians and the Serbs to reduce tensions, but we know—we recognize the difficulties in doing that. Our starting point, however, is that we continue to be guided by the principle that the autonomy of the region which was unjustly taken away must be reinstated.

There must be full respect for minority and basic human rights. And in that regard, I think a fundamental point must be the return of the CSCE mission, which was forced to leave the area.

Again speaking from my experience in Estonia, I am a great fan and supporter of the CSCE. I think the CSCE, these long-duration missions do a marvelous job; and I have vivid memories of dealing with the CSCE mission in Estonia, dealing with Max Van der Stoep and others in dealing with the ethnic issues in the Baltic States.

All of this said, I think that we continue to believe that we need to contain the conflict in Yugoslavia—in the former Yugoslavia. We do not have any easy answers to these problems. We have the same concerns that I think members of the panel have. We have the same frustrations that I suspect members of the panel have.

In that sense, I am not here to try and convince that you there is a monopoly on wisdom within the executive branch on this issue. It is far from that. We need to think together, how to approach this problem.

With Serbia, we are dealing clearly with a very dangerous pariah regime. It is a regime which in many cases, in many parts of the region is virtually out of control.

Another issue that I have to deal with, that I spend much of my time on, is of course Bosnia and our efforts to reach a settlement in Bosnia. The point that I would raise, however, as we look at this particular issue, is how can we relate this to our efforts to obtain a settlement in Bosnia? How should we relate it to our efforts to assure—to try to redevelop stability in the region? And I find this a very difficult problem to deal with.

Mr. Chairman, those are some opening thoughts. They express concerns more than solutions. I am not sure that any of us have some solutions. We certainly share the frustrations of this situation. But I think I will stop there and perhaps we can go on to a broader consideration of the problem.

Thank you.

[The prepared statement of Ambassador Frasure appears in the appendix.]

Mr. ENGEL. Thank you.

AUTONOMY FOR KOSOVA

In your testimony, you mentioned that you would hope that there can somehow be a going-back to the autonomy which existed in former Yugoslavia, prior to the wholesale lifting, unilateral lifting of autonomy for Kosova.

Why would the majority in Kosova want to go back to a situation which proved to be unsatisfactory and showed that the Belgrade authorities, at will, could simply just revoke it? You know the old adage: Fool me once, shame on you. Fool me twice, shame on me.

It would seem to me—and I have heard this autonomy mentioned both in the Bush administration and the Clinton administration as a possible solution to this whole situation—the way it was is really dead and could never really happen from the point of view of having it summarily lifted and all the rights abrogated; and also from the point of view, where in the former Yugoslavia you had so many ethnic groups to counterbalance the Serbs. You had the Croats and the Bosnian Muslims, and you had the other groups—Macedonia and so on and so forth. In what is left of Serbia now, it is so clear that the Serbians dominate, I just don't see autonomy as any kind of a solution.

Mr. FRASURE. Well, you have asked an impossibly difficult and fundamental question, and the answer, particularly if one looks at events that have taken place on the ground in the last several years and the situation that prevails right now on the ground, I would have thought it would be very difficult for Kosovars to return willingly to a pattern of autonomy. But let me approach the answer in a slightly different way.

One of the most interesting reports that I have read in recent weeks, which I would commend to everyone here, is the reprint of the 1914 Carnegie Endowment report on the first two Balkan wars, which is a remarkable historical study on an earlier and extremely violent period in Balkan history in which the Carnegie Endowment sent an extremely good, well-intentioned group of experts down to try and determine what had happened. How had this mayhem been unleashed on the Balkans? The report didn't receive much attention because it came out in June 1914, and the world was heading in a different direction.

The point that I am getting to on this is that, given the ethnic and geographical mix that we see throughout the region, I think that we, as Americans, have to think very hard and very carefully about how and where we apply in practice the principles of self-determination. The principle of self-determination in the Balkans is an extraordinarily explosive principle, and we saw that before 1914. The principle of self-determination, as we now see it in some cases, as some would suggest being exercised in the Balkans, is also an extraordinarily explosive situation.

Someone explained to me, or tried to explain to me in great detail the other day that, in fact, the war in Bosnia is about the self-determination of Serbs living in Bosnia and their desire to create their own state. I have heard similar points made about the situation in Krajina.

So I think we need to try and determine in our own minds an intellectual issue and that is, what are the limits to self-determina-

tion? Is self-determination—is pure self-determination under all circumstances the way to solve problems? If not, under what circumstances is it more of a difficulty?

I would have thought that in the first instance, one should make every effort to try to arrange, encourage a genuine pattern of autonomy because, in a sense, that is the solution—that is part of the solution that we are trying to bring about in Bosnia right now, some kind of pattern of autonomy that respects ethnic differences.

Do I think this will work in Kosovo and Serbia? I don't know. But I think that we have to be very, very reluctant to back away from that point and move toward a kind of reflexive self-determination as the solution to the problem, particularly in the Balkan context of geographical confusion and configuration.

RETURN OF CSCE MONITORS/OPEN USIS OFFICE

Mr. ENGEL. Well, you mentioned the Eastern Cape of South Africa and likened it to what is going on in Kosova. I can tell you, as I mentioned partially in my opening statement, that we were amazed at the oppressive feeling that we felt pervading all aspects of life in Kosova and the fact that many people cannot get employment because—simply because they are ethnic Albanians. They have been dismissed from their jobs at universities, in the medical professions. The thing that really—that we all came away feeling is this just pervasive feeling of a people under occupation. And while we were very happy to see that the Albanian majority there—and it is not even a majority, it is a supermajority—were able to pull together and kind of have an all-for-one, one-for-all attitude, you wonder how long that can be sustained without its simply exploding.

When the CSCE observers were expelled by Belgrade, it seemed to me it was very clear that they simply did not want impartial international observers documenting what is going on there. And you mentioned that you thought that return of the CSCE mission was very, very important.

What is the United States doing to insist that Milosevic permit the return of the CSCE monitors? And, also, I have long been an advocate for some kind of American presence on the ground in Kosova. I think an excellent way to begin would be for us to finally open a USIS, U.S. Information office in Pristina so that we can have an American presence and have the American flag flying and at least let the Kosovars know that America cares about them.

I know it has been stated in the past that it is dangerous and that is the reason why we have not placed the American office there yet, but frankly, I reject that. I think that is poppycock. I think that is just an excuse not to step on toes or an excuse not to get involved.

I would like to hear your comments on those two issues.

Mr. FRASURE. Mr. Chairman, let me take the second issue first, the USIS office. Let me make a commitment that we will—I understand your point. We will revisit this and take another look at the security concerns and what they are.

I have been told that this was the primary motivation, that this was the sole motivation in not moving forward on this. But these

are changed situations, so let me take another look at this and let me say what we can do.

Mr. ENGEL. I would appreciate that.

Mr. FRASURE. I couldn't agree with you more about the idea that having that kind of facility in that kind of situation is extraordinarily important, not only for symbolic reasons but to provide a number of the things that USIS does so very well.

That said, as I am sure you would agree, the security issue is always going to be a problem. I am dealing with this every day in our efforts to keep our fledgling embassy in Sarajevo open and alive under extraordinarily difficult circumstances.

But on the point of USIS, let me look into that and come back to you on that. I would like to do it if at all possible.

Mr. ENGEL. Good.

[The information referred to was subsequently supplied for the hearing record and follows:]

Security and safety continue to be the prevailing obstacles. We continue to believe, unfortunately, that if we established a USIS center in Pristina the lives of U.S. personnel, center employees and center visitors would be at risk.

We will continue to follow the situation on the ground as closely as we can. And, as conditions alter, we will revisit this analysis.

Mr. FRASURE. Let's turn, then, back to your first question which was on Milosevic and the Serbs. Obviously—we have been taking a consistent position with them about the need to let the CSCE mission back in there, and it obviously hasn't had any effect.

The point that I would make on this is that—and I alluded to this in my opening remarks—we are entering a perhaps new and different and difficult and changing period with the government in Belgrade. As you know, with Milosevic's commitment to close the border with the Bosnian Serbs, the contact group has taken the position in the U.N. that some limited sanctions should be raised.

I think that what we are implying here is that some kind of dialogue with some kind of tradeoff in some kind of negotiating context may be possible now with Belgrade.

I was in the region 3 weeks ago with Dick Holbrooke, and one of the questions that we asked everybody—whether it was Tudjman, Izetbegovic—everywhere we went, we said, is Milosevic serious in the actions that he is taking? We know well Milosevic's interesting track record. But I was struck by the fact that practically everyone we talked to who knew him better than we did said that Milosevic was indeed very serious. They may have had some doubts about what his motivations were, but they thought it was a very serious move on his part.

The point that I am getting to is that if we are entering into a more and more complicated period here—and the central focus of this is obviously going to be Bosnia and what role Milosevic might play to bring to a halt some of the mayhem which he helped so much to set off in the first place—how does one fit into that context other pressing regional issues?

One of these that I would certainly immediately point to is the situation in Croatia. Another one that I would certainly add to that list is the situation in Kosovo.

My own feeling, I would urge you—I would stress very much that these are personal thoughts, and we are thinking all of this

through now in the administration under the new circumstances. My own feeling is that the only sustainable solution to this problem, if a solution can be reached, is a solution that is broader than just Bosnia, that we simply cannot aim to direct all of our diplomacy over the next 6 months or so at achieving acceptance of the contact group map in Bosnia. We want to do that very much. That has to be the centerpiece of what we are trying to do.

But my feeling, the more I learn of the region, is that to leave other problems untreated or undealt with is not going to lead to a sustainable situation or a sustainable peace.

So I am simply throwing this out to members of the committee that it is something that we all need to be thinking about in this town. How do we take an issue like this one, which is extraordinarily important, and factor it into the kind of diplomacy that we need to be operating in the next 6 months, especially aimed at the Bosnia issue?

Mr. ENGEL. Thank you. I will have some more questions in the next round.

Mr. Gilman.

ESCALATION OF VIOLENCE

Mr. GILMAN. Since the President reiterated the warning to the Serbs that any eruption of violence in Kosovo would be met by a strong response, it is clear that violence has escalated. Serbian police in Kosovo have beaten and killed a number of citizens of Kosovo, and in August, two persons were killed and two wounded by the police. Even children and the mentally ill have been victimized.

My question to you, Mr. Secretary, is, what is the threshold which the Serbs would have to cross for our Nation to respond as we have threatened to respond?

Mr. FRASURE. As you know very well, this warning was first made by the Bush administration and I think very appropriately repeated by President Clinton. I am not sure that it is in the interest of any of us to try and specify, certainly to specify in public, what the threshold is on this or, in fact, how the response might occur in that event. This is, I think, something that we need to leave some creative ambiguity for Mr. Milosevic on.

My sense is that while the situation is obviously very, very bad—and I suspect that it has deteriorated somewhat since the CSCE mission was forced out—it has not deteriorated to the point where we would want to invoke the actions implied in those warnings.

Now, this is an issue that we obviously need to monitor very, very closely. We had in the last 4 or 5 days a team down there from our embassy in Belgrade, the new Deputy Chief of Mission, who knows the region well and who, I believe, in fact served on the CSCE mission; our new Deputy Chief of Mission in Belgrade led this team. We are expecting a report from them in the next day or so on the situation.

But I don't think that it would be useful to try and lay out exactly what the thresholds are on this.

VISAS FOR INTERNATIONAL HUMAN RIGHTS MONITORS

Mr. GILMAN. When the contact group, Mr. Secretary, was discussing easing sanctions, did we raise the possibility of linking that to Serbia agreeing to grant visas to international human rights monitors?

Mr. FRASURE. No, we did not. I don't recall any discussion on that in the contact group. The contact group's discussions concerning Milosevic and the government in Belgrade were solely focused on the Bosnia issue, which is, of course, the remit of the contact group.

But again, in response to your question, I would go back to the point that I made a few minutes ago that as we move into this new period of diplomacy, we have to begin to think about, within this government, within our Government, exactly what other aspects or add-ons or other areas of interest that we are going to have in the dialogue, if one wants to use that word, with Milosevic. Is it going to be simply on the Bosnia issue, pressure on the Bosnian Serbs, this kind of thing; or to what extent are these other issues going to be brought in?

If the decision is made, either unilaterally or in the contact group that other issues should be brought into this dialogue, I would personally think that the issue that you raised would be one that should be at the top of the agenda.

Mr. GILMAN. Just one other question, Mr. Secretary.

U.S. POLICY IN KOSOVO

Our Nation has had difficulty in forming a consensus with the international community as to the policy to adopt in the Balkans. Does the State Department see any consensus forming now as to the policy to be adopted in Kosovo?

Mr. FRASURE. Let me approach it this way, and I think that the best avenue to get to this question is to go back to Bosnia for a second.

When Dick Holbrooke and I were in Sarajevo and in Bosnia 3 weeks ago, we were interested in a whole variety of issues. But one of the things that we were obviously most interested in was the possibility of lifting the arms embargo as reflected in the President's August 10 letter to Senator Nunn.

It was very interesting to us in dealing with a lot of people, President Izetbegovic and others, that they saw real difficulty in doing that. And the issues that they pointed to are now obviously well-known—the possibility that UNPROFOR would leave, the possibility of a Serb offensive, the likelihood of a humanitarian catastrophe this year.

This means that I think that we are all moving in the direction that the issue of lifting the arms embargo will be deferred one way or another for about 6 months.

Now, one of the effects of this has, I think, been to bring back the contact group as a more coherent body. There have been contact group meetings going on in Geneva in the last couple of days, and it is very clear that as the arms embargo issue is handled in that way that the contact groups becomes perhaps a more coherent body, a more dynamic body.

Now, as that happens on the Bosnia issue, I think that it therefore becomes a question—and again, the one I alluded to earlier—as to what other regional issues are going to have to be dealt with in terms of a broader package to stabilize the situation. And I said my personal feeling would be that Croatia certainly and Kosovo virtually certainly can't be put to the side.

So I think that what we will need to do is to start looking amongst ourselves and then talking with contact group partners about what role the contact group might be playing in this kind of issue as well, because we are now looking down the road at a wider—a longer timeframe in trying to deal with these problems.

Mr. GILMAN. Thank you, Mr. Chairman. I want to thank the Ambassador.

Mr. ENGEL. Mr. Rohrabacher.

Mr. ROHRABACHER. I will be very short, Mr. Chairman, and thank you very much for letting me join your panel today.

ACTIVITIES OF SERBIAN "PARIAH REGIME"

Mr. Ambassador, you labeled Serbia as a dangerous pariah regime, and if Serbia is a dangerous pariah regime, America's response to the criminal activities of that regime has been bumbling and pathetic. And I am not just talking about this administration as well.

I can't help but remember the bombardment of Vukovar and Dubrovnik 2 years ago, when we watched cities being laid into ruins as they were during World War II. It seems that our reaction to that destruction doesn't seem to have deterred in any way this dangerous pariah regime from committing other crimes.

Why the United States doesn't seem to be able to get itself to be able to lift the arms embargo against the victims of this dangerous pariah regime is beyond me.

I think it is about time that America recognizes that those gangsters who are in charge of the regime in Serbia are the prime movers in the evil and the chaos and the mayhem that is going on now in the Balkans, and that we should be dealing directly with those people. Until we take punitive action against Serbia and its proxies, the criminal activity that we see—including the crimes against humanity—will continue to go on.

What is your reaction to that concept?

Mr. FRASURE. Thank you. Well, you have obviously said a great deal that I certainly agree with. I think that when the historians sit down and start to write the chapters on this period in the post-cold war era, it is not going to make very pleasant reading. I think that there has been an American failure. This—I think there has been a European failure, there has been a Western failure, this, whole thing.

I think that one of the problems that we were faced with when it became clear what the Serbs were going to do, or what they were prepared to do, was that people in the West, people in NATO, people in London, Paris, Washington and elsewhere, had to decide whether they, as countries and systems, were prepared to pay the price of undertaking military action to physically stop the Serbs from doing what they were going to do. And I think that everybody

who looked down that well decided they were not prepared, for national reasons, to go down there.

If you were to say to me, as a result of all this, the United States needs to launch a military action in the former Yugoslavia to physically punish the Serbs and to try and reverse what has happened down there, my reaction would be that it is possibly too late to do that. And I don't think that there is a consensus in the American public, frankly, that would support that kind of policy.

THRESHOLD FOR U.S. RESPONSE

Mr. ROHRBACHER. I agree with your analysis. There is no consensus in America for sending troops or police actions around the world, but I believe that early in the conflict we could have destroyed the military bases in Serbia or Belgrade's transportation systems or electric plants or bridges, with very little cost to the Serbian civilian population. That action would have at least sent a clearer message than one of total inaction on our part.

Maybe the time has passed when that is possible. Tragically we are witnessing what happened in the 1930's when the Western powers backed away from aggression. Today we have witnessed inaction and ethnic cleansing which, in proportion in that area, is possibly equal to some of the horrors of World War II. I would hope that we could find some way at least to prevent this horror from going on and on.

Since the subject is Kosovo today, I would like to hear from you, what you think specifically the United States can do if mass slaughter breaks out in Kosovo.

Mr. FRASURE. Again, I mentioned a few minutes ago, I don't think it would be—I genuinely don't think it would be useful to either indicate the threshold or try to indicate the threshold of mayhem and violence at which we would have to act on those points and what specific action we would take under those circumstances. That would be an issue that clearly the President would have to address.

Mr. ROHRBACHER. Frankly, the threshold of a decent human being was reached a long time ago. Whether or not government officials have other thresholds is another question. I am sorry that we have permitted this to go on for so long. I thank you very much, Mr. Ambassador.

Thank you, Mr. Chairman.

Mr. ENGEL. Thank you.

Mr. Ambassador, I have a few more questions and then I have a bunch more that I am going to submit in writing.

KOSOVO PEACE AND DEMOCRACY ACT

But 3 or 4 years ago, Secretary Eagleburger said to this subcommittee, "We have no policy in Yugoslavia because we simply don't know what to do." And I am afraid that those words which annoyed me then are very similar, I think, to where we find ourselves in today.

And earlier this year, I introduced the Kosova Peace and Democracy Act which conditioned the lifting of sanctions against Serbia upon improvements in Kosova. I was pleased by a comment by Under Secretary of State Peter Tarnoff to the Foreign Affairs Com-

mittee, on February 11 of this year when he stated that—this is a quote from him: “Some of the sanctions should remain in place until there is a final settlement in Kosovo.”

PARTIAL LIFTING OF SANCTIONS AGAINST SERBIA

Now, last Friday, as you mentioned, the U.N. Security Council with the United States’ support approved a partial lifting of sanctions against Serbia, and I am deeply concerned that we may be sending the wrong message to Serbia that we will overlook Serbian ethnic cleansing and human rights abuses in Kosovo if it improves its behavior in Bosnia.

What is our Government doing alone or in coordination with the contact group to ensure that Serbia knows that our sanctions—our actions do not represent a green light on Kosovo? Is it still the policy of the United States as stated by Under Secretary Tarnoff that at least some of the sanctions should remain in place until there is a final settlement in Kosovo?

And in line with that, is Kosovo raised in our discussions with President Milosevic? Are we making clear that any resolution of the Balkan crisis must also involve the problems of Kosovo?

Mr. FRASURE. Taking various parts of the question in turn, I think a key point has to be that it is impossible for me to imagine a situation in which we can have normalized relations with Belgrade without very, very substantial progress on the Kosovo issue. As one of the factors in the issue of sanctions lifting, it becomes a paradox or a reverse paradox. And this is something I think we need to look at.

Let’s imagine for a moment that Milosevic were to somehow bring about changes in the Serbs and we were to be presented with a situation in which Belgrade and the Serbs would say we are now prepared to accept completely the contact group plan and the contact group map, and we are prepared to move ahead on implementation on that immediately in the timeframes envisioned with peel-off of sanctions which that would imply. But part of our acceptance of the plan would be that all sanctions would be removed. Would we then go back to Belgrade and say thank you very much?

We want to move ahead on this, we want to implement the contact group plan in Bosnia, but there are a set of sanctions that we are not prepared to remove until we have serious—until we have serious progress in Kosovo, including the removal of human rights violations, the returning of the CSCE mission and a long list of things.

I am raising the question, and I don’t have an answer to it, because it is an answer that we haven’t systematically looked at in this administration. It is an answer that we—it is a question we certainly haven’t discussed within—within the contact group at all. And there has been no—no discussion of this issue whatsoever.

The point I am getting to is that with the deferral of lifting the arms embargo—and I think we very much have to defer to Izetbegovic and his colleagues on this. However tortured the history might be getting to where we are now, I think we have to defer to them on this issue because they live there and we don’t.

But with the deferral of the lifting of the arms embargo with perhaps a reinvigorated diplomacy on this, with the new situation ap-

parently new situation which prevails in the dialogue or the beginnings of a dialogue with Milosevic, we all need to think about what the answer to that question might be.

And again, I can imagine some would say wait a minute. If you take that position, it will overload the circuits. You know, the sanctions are a result primarily of Bosnia. Not totally, primarily of Bosnia. If we are going to get a Bosnia settlement, which is the cornerstone to this, we can't tie other issues in.

But again, my personal feeling, as I indicated to you earlier, is that while it is a little extensive to talk about globalism in reaching this—reaching these solutions, we simply can't be in the position of ignoring other problems and trying to get a Bosnia-only settlement because I just don't think that is sustainable and I don't think it is viable.

Mr. ENGEL. Well, I would say to you in the strongest possible terms that I believe that it would be criminal. And I think I use that word, to sell out the Albanian majority in Kosova for a settlement in Bosnia, as much as I want a settlement in Bosnia.

And my colleague, Mr. Rohrabacher, expressed some of the frustration that many of us on both sides of the aisle have felt with the lack of lifting the arms embargo, which, in my opinion, should have been lifted 2 years ago and then perhaps we would have seen a different result and with the lack of any kind of bombing strikes.

We are very, very frustrated over the possibility that somehow or other Milosevic would be rewarded at the expense of the people of Kosova. And I would in the strongest possible terms say that there has got to be some linkage to Serbian behavior in Kosova with any kind of lifting of sanctions at all.

Mr. FRASURE. I have your point on that loud and clear.

KOSOVA PEACE AND DEMOCRACY ACT

Mr. ENGEL. Now, I mentioned the Kosova Peace and Democracy Act. The administration has expressed objections to it. I am somewhat concerned that in your response, the State Department did not leave the door open for new legislative initiatives regarding Kosova. And so I would like to ask you, will the administration work with members to write a bill next year that gives teeth to our policy in Kosova without unduly limiting administration flexibility to negotiate a settlement of the dispute?

Mr. FRASURE. We are obviously prepared to work with members under those—under all circumstances. I think that the point that one has to focus on is not in the first instance, the legislation, but what the strategy and the approach has got to be on this whole thing.

And you, I think, quite eloquently summed up a view that I certainly have a great deal of sympathy with, that this issue simply can't be put off to the side in some kind of drive to recede to get a Bosnia-only settlement. If that kind of position prevails within the administration here in Washington, then I think one starts looking at perhaps legislative supports and alternatives that reflect that kind of strategy.

But I think that the starting point is that we all need to think very carefully about where we are. I think we all recognize where we have come from over the last 2 years, and it has been a pretty

difficult road and not that much of it can be undone. But I think that we have to figure out where we are now, what cards we have to play with, what the situation is, and what the problems are and how we try to bring this in an overall sense to a decent, viable, sustainable solution.

DISCUSSION OF KOSOVO IN CONTACT GROUP

Mr. ENGEL. I have but one final question, then I will submit the rest. Is Kosova discussed within the contact group nations? And when we have our discussions with those nations, is Kosova discussed?

And what is the feeling of the other contact group nations regarding Kosova? Did they raise the issue in negotiations?

Mr. FRASURE. The issue is mentioned from time to time in contact group discussions. I am going back in my own mind to meetings that I have been in, starting on the July 30 session in Geneva and others. I think that it—it is mentioned, it is discussed. It has not been systematically discussed because it is not seen under the agreement of the contact group to be a part of the agenda of what we are to be doing.

My sense of it, from the brief mentions of it that I recall, would be that there is a good deal of shared concern and we all have virtually the same perspective on what situation now prevails on the ground.

Mr. ENGEL. I would strongly suggest that we raise the issue. Because I think, as you mentioned, there needs to absolutely be a linkage between Serbian behavior in Kosova and Serbian behavior in the rest of what was former Yugoslavia.

I thank you very much for coming here this afternoon, and we will submit other questions in writing.

[Questions submitted for the record and responses thereto appear in the appendix.]

Mr. ENGEL. Do you have any further questions?

Thank you, Ambassador.

Mr. FRASURE. Thank you.

INTRODUCTION OF PANEL TWO

Mr. ENGEL. Our next panel includes four panelists: Paula J. Dobriansky, former Deputy Assistant Secretary of State for Human Rights, Senior International Affairs and Trade Advisor, Hunton and Williams; Maryam Elahi—if I mispronounce anyone's name, I apologize—head of the European and Middle East Department of Amnesty International; Professor Dennison Rusinow, the University of Pittsburgh; and Joseph DioGuardi, former Member of Congress, President of the Albanian-American Civic League.

Welcome, all of you. And we will start with Ms. Dobriansky. Let me just say that if anyone wants to submit a statement into the record, that statement will appear in full. If you want to just paraphrase your statement, that is fine. But the entire statement will appear in full.

STATEMENT OF PAULA J. DOBRIANSKY, FORMER DEPUTY ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS, SENIOR INTERNATIONAL AFFAIRS AND TRADE ADVISOR, HUNTON AND WILLIAMS

Ms. DOBRIANSKY. Thank you, Mr. Chairman, for holding this very important and timely hearing today. I will summarize my statement and submit a longer version for the record.

On the continent of Europe, a policy of ethnic apartheid is being vigorously pursued with scant notice from the international community, much less resolute action. The place is Kosova.

Since Serbia's expulsion of a Conference on Security and Cooperation in Europe monitoring team in July 1993, we have witnessed a significantly deteriorating situation in Kosova. Their fundamental human rights have been severely repressed. They have been subjected to unwarranted searches, daily harassment, travel restrictions, unfair dismissals, and arbitrary arrests. Most Albanians cannot even use their own language without being persecuted. In fact, a shadow system of education extending from primary schools to an alternate university has been created due to the widespread discrimination against Albanians.

Significantly, what is happening in Kosova is not derived from genuine and spontaneous ethnic differences between Albanians and Serbs. Rather, Belgrade has instigated a pattern of repression against the Albanian population. Serbia's brutal inhumane actions against Albanians in Kosova are morally reprehensible and must be brought to a halt. To ignore this tragedy, the West virtually becomes party to it. By not acting, we give our tacit approval.

There are, however, many tragic situations dotting the globe, including the ongoing slaughter in Bosnia. One may ask then: Why does Kosova matter? Well, for Europeans, peace in their own backyard is of obvious importance. But fundamentally, America, too, has a stake in a peaceful, prosperous Europe. If the regime of Serb leader Slobodan Milosevic is allowed to get away with another round of savagery in Kosova and escalate it, this would embolden other petty tyrants and escalate conflicts brewing in the former Soviet Union and bordering countries.

Significantly, the potential for an outbreak of violence in Kosova is also great. One can only draw the conclusion that violence will spread when one examines the pattern of Serbian behavior—their aggressive actions in neighboring countries, their rescission of Kosova's provincial autonomy, the forced withdrawal of the CSCE monitors as well as the systematic repression of the Albanian population. As the West wearies of finding an acceptable solution in Bosnia, Serbia has tightened its grip on Kosova.

A military crackdown, I believe, seems less a question—of “if” than of “when.” An outbreak of violence is certain to have a destabilizing influence on the region and a negative impact on European security. Moreover, the expected doubling, if not tripling, of refugees will incur a substantial political, economic, and social toll on Europe. Population dislocations will breed an unstable environment and much discontent.

For these reasons, the West and the United States must act now before the worst happens. Here, the lessons of Bosnia-Herzegovina are instructive. Aggressive behavior by Milosevic's regime intensi-

fies unless met by firm resistance. Consequently, we should take the following steps. First, we should continue to provide humanitarian aid to Kosova. Second, we should also provide technical assistance programs aimed at grassroots democracy movements which will strengthen democratic and economic development in Bulgaria, Albania, Romania and in the countries which now comprise the former Yugoslavia.

Third, and most importantly, we should expand our diplomatic efforts directed at inducing Serbia and its allies to cease all human rights violations and aggressive actions. Unfortunately, U.S. policy to date has primarily focused on support for the Bosnian peace process. This must be broadened to have a long-term impact.

Also, unfortunately, a recent U.N. resolution calls for the easing of sanctions against Serbia, merely on the grounds that Belgrade has now permitted U.N. monitors to check Serbian monitors guarding the borders against the flow of military supplies to Bosnian Serbs. This U.N. action is seriously premature, unwarranted, and sends a very wrong signal.

Significantly, none of these negotiations have even addressed the tragedy in Kosova and other potential hot spots in the territory of the former Yugoslavia. Yet, such linkage must be made. There is a piece of legislation before Congress, known as the Kosova Peace and Democracy Act, which you, Mr. Chairman, have sponsored, along with Congresswoman Susan Molinari, which provides for such linkage. The Act states that international economic sanctions against Belgrade should not be lifted until the Kosova crisis is resolved and the elected Government of Kosova is permitted to meet. I believe that this piece of legislation represents a thoughtful, principled course of action and deserves strong support by Congress and the administration. It also sets forth policy parameters for the international community.

[A copy of H.R. 4115, Kosova Peace and Democracy Act of 1994, appears in the appendix.]

Finally, the West should continue its recognition of President Rugova as the legitimate leader of Kosova and pursue a more active role in facilitating negotiations between Albanians and Serbs.

By now the world community has become somewhat desensitized to the endless stream of horror stories in Bosnia. Precisely because Bosnian fighting, however gruesome, has so far remained geographically limited, it has tended to impart a false sense of security about the potential for conflicts in other parts of the former Yugoslavia to escalate and the broader threats they pose to regional peace. Kosova remains the victim of Serbian apartheid and the most likely candidate for a new Serbian onslaught.

While the West's credibility after the numerous false starts and abandoned threats in Bosnia is in tatters, an abdication of responsibility in Kosova is likely to lead to both strategic and ethical calamities. If the West and the United States act now and do not lift the economic sanctions against Serbia until the Kosova crisis is resolved, further bloodshed in the region can possibly be averted.

Thank you.

Mr. ENGEL. Thank you.

[The prepared statement of Ms. Dobriansky appears in the appendix.]

Mr. ENGEL. Ms. Elahi.

STATEMENT OF MARYAM ELAHI, HEAD OF EUROPEAN AND MIDDLE EAST DEPARTMENT OF AMNESTY INTERNATIONAL

Ms. ELAHI. Thank you. We would like to thank you for this opportunity to testify before the House Foreign Affairs, Subcommittee on Europe and the Middle East, on the human rights situation in the Kosovo province of the Federal Republic of Yugoslavia, and we commend you for holding this hearing and hope that it will result in action by the administration and Congress to push forward CSCE monitors present in Kosovo, a recommendation that you yourself, Mr. Chairman, and the witnesses before me, have advocated as well.

I plan to keep my oral presentation brief and, with your permission, will submit my written testimony for the record.

Mr. ENGEL. Without objection.

Ms. ELAHI. The human rights situation in the Kosovo province has deteriorated since Serbia abolished its autonomy in September of 1990 and has worsened since. Incidents of violence by the largely Serbian police force have increased over the years. The long-term monitoring mission of the CSCE in Kosovo, the Sandzak and Vojvodina was forced out by the Yugoslavia Government in July of 1993.

The government has also refused to allow the U.N. special rapporteur on former Yugoslavia to set up an office in Belgrade. Human rights monitors and organizations have generally been denied access since then, although on one single occasion, an Amnesty International observer was able to attend a trial of three ethnic Albanians in November of 1993.

Though armed conflict has not yet erupted, the political situation in Kosovo is quite dire. Mr. Chairman, we believe that information on the human rights situation should be used as an early warning indicator. In order to prevent the breakout of armed conflict and massive human rights violations, as in Croatia and Bosnia-Herzegovina, the United States should urge that specific measures be implemented to protect human rights, the most urgent being, of course, immediate granting of access to Kosovo for the CSCE and other human rights monitoring organizations.

Amnesty International's concerns in Kosovo since 1989 have largely been focused on three particular issues: First, police brutality often resulting in torture and/or ill treatment. Second, detention of ethnic Albanians for nonviolent political activity. And third, unfair trials. I have provided historical background to our current concerns and in the interest of preserving time, will limit myself to our concerns in 1994.

Political brutality and harassment has escalated in Kosovo since the beginning of the year. Human rights activists report police violence on a daily basis, brutal beatings with truncheons. Punching and kicking are the most common forms of violence, but electric shock have also been used by police officers.

Police officers commonly express ethnic hatred toward their victims who are verbally abused for being Albanian. Many victims have been so badly injured that they required medical treatment

or hospitalization. Several have died, apparently as a result of injuries they received from beatings.

Thousands of ethnic Albanians have witnessed or experienced police violence at a firsthand basis during home searches. Police officers search homes for arms, and even when no weapons are found, male members of a family are often arrested and severely beaten. These searches are often conducted in a deliberately intimidating and destructive way. Furniture is broken up. Anyone at home is threatened and harassed, shouted at them, and men are beaten in front of their families as well as in police stations. Some families have been repeatedly searched by the police who have shouted at them, get out of here or go to Albania.

Among the most frequent targets of police violence and harassment are ethnic Albanians who are prominent because of their political activity, who are members of the Lidhja or the Democratic League of Kosovo, the main ethnic Albanian party. These people are the key victims.

In addition, members of other ethnic Albanian political parties, academics, former political prisoners, human rights activists, journalists, trade unionists, those involved in the organization of humanitarian aid to families in need and local sports leaders have also been target of harassment by the police.

In late July and early August, within a period of 2 weeks, three ethnic Albanians were shot to death by police officers and another two were shot dead by officers of the Yugoslav Army. In several of these cases, authorities claimed that the police or military had resorted to firearms in self-defense. However, in at least two cases, one of them involving the death of a 6-year-old boy, the police officers in question do not seem to have been under attack.

The wave of arrests, trials and convictions of ethnic Albanians on political charges escalated in July of 1993 with the departure of the CSCE mission and continues up to today.

By the end of July of 1994, over 85 ethnic Albanians had been convicted and sentenced up to 10 years in prison. A significant portion of the accused are political activists. They were charged with planning the secession of Kosovo from Yugoslavia and its independence or unification with Albania. Trials of those arrested are often unfair in Kosovo province, particularly in the stages immediately following arrest and during the investigation proceedings.

In most cases, when defendants are brought to trial, they reject the charges against them and allege that false statements were extorted by beatings and threats. Convictions have, to a great extent, been based on these contested statements, often with very little supporting evidence. We consider a number of those convicted to be prisoners of conscience and that charges against them seeking to change Kosovo's status by use of force were not convincingly substantiated in court.

In conclusion, we would like to recommend that the U.S. Government urge the Government of the Federal Republic of Yugoslavia to end human rights abuses in Kosovo by taking the following measures: First, to give access to the CSCE, the U.N. Special Rapporteur on the former Yugoslavia and human rights organizations.

Second, to take all necessary steps to stop torture and ill treatment. It is extremely important that all allegations of torture be investigated and that all those responsible be brought to justice.

Third, to institute fair trials. The United States should avail itself of every opportunity to prevent escalation of an armed conflict in Kosovo.

It is critical at this juncture that an international monitoring presence be reestablished in Kosovo. The United States should act within various multilateral fora, such as the CSCE and the U.N. Security Council, to implement a human rights monitoring mission in Kosovo. If any lessons have been learned from the heart-wrenching human disaster that continues to unfold in Bosnia-Herzegovina, it must be applied to prevent a potential reoccurrence of such a massive catastrophe.

Thank you, Mr. Chairman.

Mr. ENGEL. Thank you very much.

[The prepared statement of Ms. Elahi appears in the appendix.]

Mr. ENGEL. Professor Rusinow.

STATEMENT OF DENNISON RUSINOW, THE UNIVERSITY OF PITTSBURGH

Mr. RUSINOW. Thank you, Mr. Chairman.

It is an honor and a privilege to appear before you, and I also want to thank you for devoting committee time to this very important subject at this stage in the session. My remarks at this point will be a slightly abbreviated version of written remarks that I will submit.

The subject of this hearing has been described as the political and humanitarian situation in Kosovo. I shall use that name for the place as the best attempt I can make to find a nonprejudicial something in-between Serbian renewed insistence on "Kosovo and Methohija" and Albanian preferences for "Kosova."

My colleagues on this panel have focused on the humanitarian aspects, so my introductory remarks will focus on the political, although I fully recognize, Mr. Chairman, that they cannot be separated from the humanitarian and from justified emphasis, which we have heard until now, on gross violations of civil and human rights suffered by the Albanian 90 percent of Kosovo's population for more than a decade and especially since the late 1980's.

It seems to me the present political situation can best be summarized, at the risk of oversimplification and distortion, as a precarious deadlock. Its precariousness in turn carries the seeds of violence and further violations of human rights, including right to life and home on a scale that can easily exceed the scales of Bosnia-Herzegovina, plus a grim prospect of a near certainty—and we have heard this before here—of its escalation into an international and wider-than-Balkan war involving Macedonia, Albania, Bulgaria, Greece, Turkey and friends and relations of these, including the United States.

The ingredients of this precarious deadlock seem to me to include the following: One, the Serbian regime insists that Kosovo is an integral part of a centralized Serbia and Federal Republic of Yugoslavia in which Serb historical claims and the will of the Serb majority in Serbia must predominate. Given the intensity of Serb sen-

timents concerning Kosovo and the centrality of the Kosovo question in President Milosevic's rise to power and popularity, it is very difficult to envision any change in this position.

Two, Kosovo Albania seem equally adamant that restoration of the autonomy within Serbia that was abrogated in 1989–1990 was their minimum acceptable condition but may itself now be too little too late. They appear committed to their parallel government and shadow state and increasingly to independence or union with Albania, although at present still committed to achieving their goals through the nonviolent resistance and civil disobedience advocated by Ibrahim Rugova and his national front, the Democratic League of Kosovo.

Third, the third main actor, the so-called international community, has vehemently criticized Serbian policies, particularly involving human rights, and two U.S. administrations have warned against any attempt at a solution by widespread violence.

We have already heard a bit about how ambiguous this term is, and I think you might want to return to that in your questioning of us. However, the "international community" has generally shown no willingness to challenge Serbia's territorial integrity; i.e., sovereignty in some form over Kosovo.

Four, meanwhile, Serbian authorities have been unwilling or unable to suppress the Kosovar Albanians' parallel government and significant activities, particularly those underground Albanian language schools that we have already heard about. But it should not be forgotten that almost all means of coercion—weaponry and organized police and military forces—are a regime monopoly.

If this summary, Mr. Chairman, is close to accurate, it seems to me to follow that U.S. and international community policies and policy planning should have two urgent focuses: First, avoiding violence. And here we mean clearly violence on a scale and at a level of organized systematic violence greater than that currently being suffered by the Albanians; avoiding large-scale violence which would begin but not end with a humanitarian catastrophe for largely defenseless Kosovar Albanians.

It seems to me that Serbian authorities—and that does not include numerous and dangerous rogue Serb groupings—have many pragmatic reasons, including demographic reasons and whatever credibility those warnings from our administrations may still carry, for not provoking that kind of violence by attempts at ethnic cleansing or similar radical measures. Therefore, mass ethnic cleansing seems to me a chimera, and invoking it is perhaps a convenient evasion of more realistic evil prospects.

It follows that U.S. and international community policies and rhetoric should firmly encourage the continuation—in defiance of continued buffeting of Serbian acts of oppression and the temptations of alternative strategies for the Kosovar Albanians—of Gandhian civil disobedience as the strategy by the Albanian resistance promoted by their present leadership.

This also means, Mr. Chairman, our strict avoidance of the kind of rhetoric and occasional gestures that have encouraged the Bosnian Government side in Bosnia's war to believe that they can ultimately provoke American and/or European military assistance and intervention which these governments patently in fact have no

intention to provide. At the present stage, encouragement of this course probably also excludes even rhetorical support for a political solution foreseeing Kosovo's total independence or union with Albania.

The second and longer range phase should consist of serious thinking about and planning, developing a strategy, for an end-of-the-day political solution that will accomplish several aims that sometimes seem partly contradictory. The first group of these must satisfy the most essential and justified Kosovo Albanian complaints and hopes.

One, effectively guaranteeing all of the usual list of human civil and communal rights embodied in U.N. and other covenants to which, by the way, the former Yugoslavia was a signatory, and the Federal Republic of Yugoslavia, in its pretensions to be the legal successor state, must consider itself also a signatory to.

Mr. ENGEL. Professor, excuse me. Let me just stop you right here because we have a vote, as you can see.

Mr. RUSINOW. OK.

Mr. ENGEL. Let me just suspend the hearings for about 15 minutes, take a 15-minute break, because I have 5 minutes to go and vote and then we will resume. So we will suspend for about 15 minutes.

[Recess.]

Mr. ENGEL. OK, I apologize for the delay. This always happens whenever we have hearings. We should be all right for a little while, anyway, and then we are going to eventually have a series of 11 5-minute votes. So let's hope we can conclude before that happens. So we will now resume the hearing.

Professor Rusinow, I apologize for the delay.

Mr. RUSINOW. Quite all right. I won't do what I sometimes do to my students after breaks and ask them, "Where did I stop?"

Mr. ENGEL. I have done that as well.

Mr. RUSINOW. I am within one minute of the end of my remarks, you will be relieved to hear. I was talking about the end-of-the-day solution to justify Kosovo Albanian complaints and hopes. Human rights was first.

My second is at least as much control over their own affairs as their Kosovar Albanian political elite exercised in the 1970's. This has been spoken about here before. This sounds like back to autonomy.

And third—this has not been talked about here before and lately it has not been as prominent on the Kosovo Albanian agenda which is preoccupied by these human rights and political issues—it certainly should include a range and means that offer a promise of improved economic well-being and increasing prosperity to this desperately poor region, and that clearly, again, is related to the question of a solution inside or somehow outside the Republic of Yugoslavia, other arrangements, independence and so on. Then the final criterion, quite clearly, is a solution that offers the highest probability that it will be enduring and will contribute to peace and stability in Kosovo and the wider Balkan region.

Mr. Chairman, two primary and contentious questions are implicit in these remarks and I think merit further consideration at this hearing. The first is precisely that question of whether and

how the kind of essential and justified aims I have described are capable of achievement in the framework of some form and status for Kosovo within Serbia and the Federal Republic of Yugoslavia.

The second is the human and other costs of alternatives to a solution inside Serbia and the Federal Republic of Yugoslavia.

Thank you, Mr. Chairman.

Mr. ENGEL. OK. Thank you, thank you, Professor.

[The prepared statement of Professor Rusinow appears in the appendix.]

Mr. ENGEL. Our next witness, just in the nick of time, is Joe DioGuardi.

STATEMENT OF JOE DIOGUARDI, FORMER MEMBER OF CONGRESS, PRESIDENT OF ALBANIAN-AMERICAN CIVIC LEAGUE

Mr. DIOGUARDI. Thank you, Mr. Chairman.

Let me not make the same points that were made before in this hearing. We have heard some very credible testimony from the Ambassador and from the other witnesses, and I agree with most of it.

Let me offer my written testimony for the record.

Mr. ENGEL. Without objection.

Mr. DIOGUARDI. And before I get into some points that I believe have not been made here and that need to be understood before we can reach a solution in this very difficult part of the world let me say at this time that the complex Albanian perspective is one that has to be understood before there can be an overall peace in the Balkans.

But, before I proceed, let me also commend you, Mr. Chairman, for bringing up the issue of a USIS office for Kosova. Back in 1990 and 1991 we had much activity on this issue and I have with me a reference book "The Agony of Kosova" which covers this. I would not put this entire reference book on the record, but I would like to offer it to the committee and ask that you put in the record just the first four pages, which is an index of what the book covers—issues such as this body's activity on the human rights issues affecting the Albanians of Kosovo and the Republic status for Kosovo, which was what was being looked at back in 1989 and 1990 before the demise of Yugoslavia. The issue is freedom, self-determination and independence for the people of Kosovo.

The issue of cutting off aid to Yugoslavia was also discussed back then, as well as preventing violence. And on the issue of a USIS office, Senator Pell sent a letter to Secretary of State Jim Baker on April 15, 1991, and also sent a letter to Lawrence Eagleburger in April of 1992. Those letters and their responses are in the book and I think you should see them because it is important to build on the work that was already done on this important issue you raised, Mr. Chairman. A U.S. presence in Kosova is a very important thing to do.

In any case, let me offer for the record at least the index of the book as a useful reference.

Mr. ENGEL. Thank you.

[The information appears in the appendix.]

Mr. DIOGUARDI. The other thing I would like to do, because we have heard so much about the litany of horrors in Kosovo, and my

testimony cannot do any better on this issue than what we have heard already, is to inform you about the Kosovo daily reports from the Kosovo Information Center from the past 5 days. They clearly show the day-to-day oppression that the Albanian people face under the renegade outlaw regime that Yugoslavia has become, with Serbia and Montenegro—its new vintage; and it is incredible.

I would like to read one section where it says the Pristina-based Council for the Defense of Human Rights and Freedom, published a monthly report on the human rights situation in Kosovo just yesterday as they do every month. The report gives an account of Serbian repression against the Albanian population in Kosovo during September as follows:

One case of killing by shooting, a mother of two; a case of death caused by torture in Serb custody, a man of 60 from Gnjilane; and the report brings evidence of the conviction of Albanian so-called political activists;

Five persons were tried and sentenced for so-called political "offenses," one of them given 5 years in prison, Ushti Hoti, the Chairman of the UNICOM party. Charges have been brought against 11 persons of Albanian ethnicity;

At least 84 people, 3 of them children, were beaten by the Serbian police for diverse excuses. Fifty-seven Albanian families were raided and 468 family members intimidated, 94 arbitrarily detained, usually leading to torture, and they included 4 women and 3 children; and

A group was also taken hostage by the Serbian police. Six Albanians were forcibly conscripted, 6 Albanian families were forcibly evicted from their apartments and 37 people were summoned to the so-called, "informative conversations," including 7 owners of premises where the Albanian language teaching has been taking place.

This is a litany of horrors that occurred in just 1 month of the Albanian experience since March 23, 1989, when Slobodan Milosevic forcibly sent his troops, special police forces, to Kosovo to throw out the parliamentarians and deprived Kosovo of its equal status with the six Republics in the former Yugoslavia and the one other autonomous province.

Don't forget that Kosovo voted equally in the confederacy presidency with those units.

Today, what is Kosovo? Totally occupied! Some refer to it as apartheid, as you did Mr. Chairman, and it certainly is like a racial apartheid because we know that the Serbs, with their disinformation machine from Belgrade and their control of the media, have created an aura of "untermenschen" about the Albanian people. There are good Serbs who really think that the Albanian people are less than human, much like what Hitler promoted in World War II about the Jews. This is what total control of the media does and the violence that could come out of this state-run disinformation campaign about the Albanian people can be equally horrible.

Now, it is incredible to see what has happened since 1989. But I believe that if we are going to look at a solution for the area, we have to understand the Albanian mentality. The United States can't impose a solution on this area. In fact, my opinion, Mr. Chair-

man, is that the United States should not act unilaterally in any way in this area.

The solution here rests with NATO. Certainly the U.N. should be involved, but the U.N. has shown that it cannot solve the problem. This is a NATO problem in full partnership with the European members. However, the United States has to understand how the Albanian people view this situation, and this process, if we are to get Dr. Rugova and the Albanians at the table so that we could come up with a peace that will last. We need a lasting peace in this area.

One thing you should know that has not been mentioned is that when you mention the word "Kosovo" to Albanians, you are not limiting yourself to the geographic Province of Kosovo today. Albanians consider themselves not a minority anywhere. They consider themselves a divided nation of people. So when you mention Kosovo to Albanians, they instinctively think about the 1 million Albanians in Macedonia and 100,000 in Montenegro and the tens of thousands in Serbia, which used to be Kosovo, which is now Medavedja, Buyanovic, and Presheva. Three-and-a-half million Albanians are outside the current borders of Albania. They were part of the State of Albania when it emerged after 450 years from Ottoman occupation on November 28, 1912. But they were quickly gerrymandered by the European powers and half of the Albanian nation was placed and left in a now-failed renegade state called Yugoslavia. So what you have now is a population of 7 million Albanians in the Balkans, half whom are now in the State of Albania and the other half just outside its borders in the former Yugoslavia—and all contiguous.

Can you believe the Serbs are looking for a greater Serbia to include Krajina? You have to go hundreds of miles to link all of the Serbian enclaves to create a greater Serbia.

Are the Albanians looking for a greater Albania? No. But are they looking to correct an historic injustice? Yes.

The Albanians have been the victims of historic injustice for hundreds of years. It started with the Ottoman onslaught and occupation in the year 1488. That is how my father's people, Albanian people ended up in Italy. Today you have tens of thousands of Albanians in Italy in high mountain-top areas still speaking Albanian like my father did. They are all Christian, as were all the Albanians in the year 1488. It was only those who remained under Ottoman occupation who, over the years, because of the cultural assimilation and Lord knows how many other pressures changed their religion.

But is religion an issue for the Albanians? Not at all. As a matter of fact, if you look at the Albanian nation today, overall 40 percent of the Albanians are Christian, 60 percent are Muslim. Now why even mention this? Because one of the aspects of our foreign policy that I read from a congressional committee report from the Committee on Unconventional Warfare and Terrorism disturbs me.

That report, in 1992, seemed to "suggest" that perhaps part of the foreign policy of the United States of America should be to contain the growth of fundamentalist Islam or radical Islam in Europe, and that what they were seeing, because of Lord knows what

kind of disinformation, was the possibility of this kind of Islamic state in the middle of Europe.

Mr. Chairman, Albania is a country that some speculated could be a candidate for this kind of an extension of radical fundamentalist Islam, so I brought a key committee staff person with me to Albania to report to his member. He joined me one morning for breakfast in Tirana, the capital and he said "Joe, it is now 9 o'clock and I was up at 4:30 a.m. to see if there was a call to prayer." He had seen the minaret in city square. There wasn't a call to prayer and while there is nothing wrong with the call to prayer, it proved to him that Albania was not an Islamic state.

The State of Albania today has many Catholics in the North and many Eastern Orthodox Christians in the South. Religion is not an issue in Albania and we have to impress this first on our State Department and anybody who thinks that our foreign policy for this area has to involve the containment of radical fundamentalism; it is not there. You are talking about Muslims that are moderate. You are talking about secular Muslims like you have in Turkey today, one of our great allies. This is something, Mr. Chairman, that I wanted to point out to you, because if it is not at least pointed out now and discussed and exposed for what it is, it will become a wrong premise for our foreign policy in the Balkans.

Let me talk about the historic injustice. Five hundred years ago, the Ottomans came into the area. We know, for 450 years, before the collapse of the Ottoman empire, there was a lot of oppression, a lot of inability to be who you wanted to be. But it is not just the Ottomans. It was the Serbs in the last 100 years, and then it was the most brutal forms of Stalinist communism in Tirana and in Belgrade in the past 50 years. The Albanian people have been subject for over 500 years to some of the most incredible injustice and mistreatment, and I think it is time that the United States of America took a proactive role in trying to resolve this problem.

I must tell you that I made a speech in Istanbul in the spring on "peace in the Balkans—the Albanian perspective." I am not going to put that on the record because Congressman Gilman has already put it on the Congressional Record. But I would direct your attention to it, Mr. Chairman, and your staff's attention, because the speech was based on my work in this body for 4 years and, subsequent to that, as Chairman of the Albanian-American Civic League. Since 1989, I made 12 trips to the Balkans, 6 of them to Kosovo, and I think that experience should be available to those who wish to reach some resolution to the issue of Kosovo.

Again, let me say that I wish to put my entire written statement in the record so as not to repeat here some of the wonderful testimony that I heard here from Paula Dobriansky, Professor and Ambassador. I know that time is running short, but let me say that the United States has a definite national interest in this area.

Why do we have a great interest in this area? Because there is now a Democratic State called Albania, thank God. When Congressman Lantos and I went to Kosovo in 1990 and made that historic trip to Albania by car, we visited the Communist leader, Ramiz Alia. We did not realize how weak the regime was. The regime collapsed just months later, thank God, and then we were

then all able to witness the installation of a great Albanian Democratic leader, Dr. Sali Berisha.

We must also commend Dr. Ibrahim Rugova for what he has done in the last 3 or 4 years. He is another Gandhi. The Albanian population is defenseless. They can be massacred. And I think that the only thing that is keeping them from that massacre right now is the vigilance of this body and the fact that millions of dollars are going to Kosovo in hard currency to feed, house and educate the Albanian people. There is a shadow government. And while Serbia needs that money, they are going to tolerate the Albanians. It is equivalent to a Schindler's list without a Schindler. There is no benevolent Schindler here, only a government preying on the people.

The problem that we have is that once those sanctions are lifted, there may be no incentive for Mr. Milosevic to carry on this cash enterprise in Kosovo, taking all that money coming from the worldwide Albanian diaspora, and then you may see the beginning of a massacre and atrocities that we have seen in Bosnia and perhaps worse.

And let's not forget, the Bosnians are first cousins to the Serbs. They are Slavs. While the Bosnians are Indo-Europeans like the Albanians, the Albanians are the only indigenous people, going back for thousands of years.

But think about it, the Bosnians are Slavs. The Albanians are not. Albanians use the Latin alphabet, not the Cyrillic alphabet. Think of the barbarism that you have seen wreaked on the Bosnians and imagine what it would be like for the Albanians with the disinformation campaign against them and the fact that they have nothing in common with the Serbs. A big problem looms!

The national interest that we have is that Dr. Berisha, the President of Albania, has declared that if there is slaughter on the streets of Kosovo, if its neighboring Albanian brothers and sisters are victimized to that degree, Albania cannot stand still. Dr. Berisha has said on many occasions that Albania has no design to create a unified state, but we cannot see our brothers and sisters massacred across the border.

And Albania has signed a defense pact with Turkey, has signed one with the United States and England, and is about to sign one with Italy, only about 60 miles across the Adriatic Sea—that is how my father's people got from Albania to Italy; it is only 60 miles.

The U.S. national interest here is to prevent a European war. We must figure out or help the nations in that area figure out how to put the Albanians at the table as equal partners to find a lasting solution to the Balkan problem.

Another point, Mr. Chairman, about why we have an interest there. We have 600 soldiers on the border of Macedonia and Kosovo. They are in harm's way. There is no defined U.S. policy at this time, and yet they are there. We talk about a lack of a defined policy in Haiti, a lack of a defined policy in Somalia. What happens if these troops are killed in this incredible chess game that is being played right now in the Balkans? We must form a foreign policy right away, and my feeling is that foreign policy must include an overall solution to the Albanian problem, especially in Kosovo.

So, in conclusion, my recommendation is, first, President Clinton has to reemphasize publicly what he has already made clear to Bel-

grade, namely that a Serbian offensive against the Albanians in Kosovo will meet with a very strong counterstroke.

Second, the United States must accelerate aid to the country of Albania and its democratic regime under the able leadership of Dr. Sali Berisha. We must strengthen U.S.-Albanian cooperation, and if necessary, move from economic developmental to military assistance.

Third, the United States and its European allies should admit Albania immediately as a full member of NATO. There is no reason to keep Albania out with its strategic significance; and this would send a strong signal to Belgrade to back off.

Fourth, the United States should continue to press the issue of human rights, and this body should continue to press that issue and democratic self-government for all the Albanians. Democratic self-government, what is that? Difficult to define, but let the Albanian people in this region determine what they want to be.

And finally, the United States and the United Nations should make plans to install an international group of monitors right away. We know, as you have said ably said—your testimony was excellent, Mr. Chairman—that we have seen these monitors removed. There is nobody watching, and that makes the situation even more untenable and tense for everybody there.

I believe that it is not in the interests of anybody, not in the interest of human rights, democracy, the world community, especially those nations with an historic interest in the area, including the United States; it is not in anybody's interest to avert our eyes while another menacing dictator in Europe performs some of the worst atrocities we have seen on a defenseless people solely because of their ethnic ancestry and their religious affiliation. If we have learned anything from the Holocaust, it must be this.

Thank you very much for this time. I and all Albanians appreciate this hearing, which should be very useful in forming a sound U.S. foreign policy for the Albanians in the Balkans, especially in Kosovo.

[The prepared statement of Mr. DioGuardi appears in the appendix.]

Mr. ENGEL. Thank you. As you can hear, we are about to embark on a series of 11 or 12 votes. I will keep questions brief and ask one or two, and then let Mr. Gilman, if he might. And also, I wanted to point out that our colleague Mr. McCloskey was here and had to leave.

Ms. Dobriansky, in August you wrote an article in the Wall Street Journal in which you compared the restrictions on ethnic Albanians in Kosova to South Africa's apartheid. Interesting that Ambassador Frasure used that same analogy. Could you please expand on this comparison to the subcommittee?

Ms. DOBRIANSKY. Well, racial apartheid has permeated virtually all aspects of Albanian society. There is the shadow educational system. We have witnessed the rampant dismissals of Albanian teachers, university professors, the discrimination of students who are Albanian going to the main university in Tirana, as well as the virtual marginalization if not obliteration or elimination of Albanian history and literature from the various schools again, at all levels from the lower level schools right up to the university.

That is just—only one aspect of life in which there is virtually a shadow educational system and very blatant discrimination against the Albanian population. That is only one example it. It permeates all aspects of Albania's lives in Kosovo.

POLICE VIOLENCE IN KOSOVO

Mr. ENGEL. Thank you. Ms. Elahi, Amnesty International's report of September 1994, "Police Violence in Kosovo",² you state that human rights abuses by police against ethnic Albanians have dangerously escalated. In what sense have these violations increased, and do you attribute any of it to the expulsion of the CSCE observers, and does the dismissal of 4,000 Albanian police officers and their replacement by Serbs and Montenegrins since 1990 add to these problems?

Ms. ELAHI. The expulsion of the CSCE monitors is absolutely linked to the worsening human rights situation, Mr. Chairman. We have seen an escalation in terms of daily reports of people who are arrested, detained and reports of ill treatment and torture. It is clear to us that when you have human rights monitors on the ground that that acts to prevent human rights violations from taking place.

Mr. GILMAN. Will the gentleman yield?

Mr. ENGEL. Yes.

Mr. GILMAN. How much access do you have in Kosovo?

Ms. ELAHI. Thank you for asking that question, Mr. Gilman. We have had very limited access.

The last time that we were able to go to the region, to go to Kosovo Province, was in November of 1993, only because the person that we sent, the lawyer that we sent was of Portuguese nationality and, therefore, didn't need a visa; but in general, Amnesty International delegates have not been permitted to go, and we would appreciate any assistance.

Mr. GILMAN. If you could let us know what we could do to help, we would certainly try to be of assistance.

Thank you for yielding, Mr. Chairman.

EXPULSION OF ETHNIC ALBANIANS

Mr. ENGEL. Professor Rusinow, Serbs in Bosnia killed or expelled hundreds of thousands of Bosnians in an attempt to make Bosnia an ethnically pure Serb state. Evidence suggests that Belgrade has pursued this policy at times in Kosovo. In your opinion, will the Serbs seek to expel ethnic Albanians in Kosovo the way Bosnian Serbs ethnically cleansed Bosnia?

Mr. RUSINOW. In the long run, I think that the more extreme Serbs would like to see a Serbian ethnically pure Kosovo. But as a practical matter, as I indicated in my statement, I see no moves in that direction, not at least in the foreseeable future. But there are a couple of essential differences, it seems to me, between Bosnia and the Kosovo situation.

Number one, ethnic cleansing in Bosnia served the purposes of a conquest. Kosovo is already part of the Serbian state. We talked about potential Serbian aggression in Kosovo; this tends to be a bit

²A copy of the report appears in the appendix.

of a nonsense. They are there, and they control it. Kosovo is a problem of hanging on to something you control, not taking something you don't, and you are talking about 2 million Albanians, 90 percent of the population.

And one other factor here that I think is very important, another reason for ethnic cleansing in Bosnia was to create space for Serbs to come in and take their place, Serbs who are themselves often expelled in ethnic cleansing by Croats or Muslims or coming down out of the mountains looking for better lands.

One reason for the present ethnic situation in Kosovo is that Serbs and Montenegrins have been leaving there in droves. Look at the figures over the past 50 or 60 years. Slavs and Albanians were almost in balance at the beginning of this century. Their nationalists claim this is ethnic cleansing by Albanians, but this is mostly a social and economic phenomenon in a very poor area. There is no evidence that I have seen that a large number of Serbs have any desire to go back, much less go to live in Kosovo. So what are you going to do? That is why I said I consider massive ethnic cleansing in an organized style unlikely. I am not talking about the Arkans of this world, but perhaps by talking too much about "ethnic cleansing," we make a convenient evasion of serious evils that are much more likely.

Mr. ENGEL. Hasn't the Belgrade regime tried to encourage Serbs to move back?

Mr. RUSINOW. With a notable lack of success. They have tried very hard to try to encourage them. This dates back to pre-Milosevic, and final reduction of Serbs to 10 percent—by the way, the royal Yugoslavia Government promoted such a return after World War I, when, after they managed to get some tens of thousands of Serb colonists to Kosovo. They didn't know what they were getting into. These people were turned out by the Communist regime after World War II, leading to the claim that the Tito regime was anti-Serb.

Mr. ENGEL. Mr. Gilman.

Mr. GILMAN. I want to thank our panelists for excellent presentations, and Mr. DioGuardi, for your statement. You have stressed the importance of strengthening Albania through U.S. assistance.

ALBANIA'S ROLE IN KOSOVO

Mr. DioGuardi, what do you see as Albania's present role in Kosovo?

Mr. DIOGUARDI. Well, a very good role. Dr. Berisha has certainly sent a strong signal that Albania is concerned about the treatment of the Albanians in Kosovo. But Dr. Berisha is a force and Albania is a force for stability in that area. There is no question in my mind that there is no plan for a greater Albania in the minds of Dr. Berisha or Dr. Rugova. This is all Serbian disinformation.

What they want is freedom, they want democracy, they want, certainly, self-rule; and that may lead to independence in Kosovo, hopefully, but that has got to be something that evolves.

Right now, the Albanians have declared themselves an independent state. They have not been recognized. So I go back to my recommendation that we must do everything we can to strengthen Albania as a source for peace in that area because they have respon-

sible leadership, secular leadership, that can be very important to bringing peace to this area.

Mr. GILMAN. Thank you. And again I thank the panelists and thank you, Mr. Chairman.

CONCLUSION

Mr. ENGEL. Yes, I want to thank all of you for testifying. I am sorry that the votes have made it a little difficult, but we thank you. This has been a very enlightening hearing, and thank you for coming.

The hearing is now adjourned.

[Whereupon, at 5:51 p.m., the subcommittee was adjourned.]



APPENDIX

PREPARED STATEMENT OF AMBASSADOR ROBERT FRASURE

Mr. Chairman and members of the committee, it is an honor and privilege to appear before you today to share with you the Administration policy with regard to Kosovo.

U.S. policy continues to be guided by the principle that autonomy must be reinstated; respect for minority and basic human rights, and the return of the CSCE long-duration missions need to take place before tensions can be reduced.

To the Serbs, we emphasize that the current situation is unacceptable and must be resolved. To this end, we are seeking ways to encourage dialogue between the Kosovo Albanians and the Serbs to reduce tensions, and stress to the Serbs the importance of returning CSCE long-duration missions to Kosovo.

We remind the Kosovo Albanians at every opportunity to seek peaceful means to resolve their differences with the Serbs. We support Kosovar autonomy, but do not support independence.

In order to contain the conflict in Yugoslavia and avert bloodshed in Kosovo, the previous Administration warned the Serbian government in December 1992, and the current Administration again in April 1993, that it would respond appropriately to a crisis in Kosovo induced by Serb violence.

Conditions have deteriorated greatly since the CSCE long-duration monitors were forced to leave the "FRY" in July 1993. The Albanian-language faculties of Pristina University and the Institute of Albanian Arts and Sciences have been closed. Labor offices have been ransacked and their leaders arrested. Schoolteachers have been arrested for teaching Albanian. Serb paramilitary forces routinely conduct house-to-house searches on the pretext of looking for weapons, and then use the opportunity to seize personal property.

The Democratic League of Kosovo (LDK) formally supports independence for Kosovo. LDK President Ibrahim Rugova has pursued a non-confrontational approach, which we support, in his efforts to highlight Serbian behavior in Kosovo. Although the LDK has formed a government and considers itself distinct from Serb authority, it has avoided moves which would cause any direct conflict.

The LDK supports sanctions on Serbia and would like the lifting of sanctions to be closely linked to a solution in Kosovo. We have not linked economic and trade sanctions to Kosovo, but we do agree that full normalization of relations with Serbia should not resume until an equitable solution is reached. Given the potential for conflict, it is essential that we track Kosovo closely.

"Kosova: The Political and Human Rights Situation"

TESTIMONY BY

Dr. Paula J. Dobriansky
Senior International Affairs and Trade Advisor
Hunton & Williams

Before

The U.S. House of Representatives Committee on Foreign Affairs
Subcommittee on Europe and the Middle East

October 5, 1994

Testimony

Mr. Chairman, thank you for holding this important hearing today. On the continent of Europe a policy of ethnic apartheid is being vigorously pursued with scant notice from the international community, much less resolute action. The place is Kosova. In March 1989, Serbia unilaterally rescinded Kosova's autonomous status and embarked on systematic ethnic cleansing of the two million Albanians who comprise about 92% of the Kosova population. The suffering has been widespread and substantial. In fact, Serbia's actions against Kosova Albanians have frequently been compared to the early repression of Jews in Nazi Germany.

Since Serbia's expulsion of a Conference on Security and Cooperation in Europe (CSCE) monitoring team in July 1993, human rights activists have witnessed a significantly deteriorating situation in Kosova. In just the first four months of this year, over 3,000 instances of police brutality against Albanians were reported. Their fundamental human rights have been severely repressed. They have been subjected to unwarranted searches, daily harassment, travel restrictions, unfair dismissals and arbitrary arrests. Most Albanians cannot even use their own language without being persecuted.

Dr. Alush Gashi of the Council for the Defense of Human Rights and Freedoms in Kosova testified before Congress this summer. He asserted that "the Serbian strategy is to change the

ethnicity of Kosova through institutionalized discrimination and structural repression. Its goal is ethnic cleansing without open war at this time, but with daily policy brutality." Tragically, we are witnessing nothing less than systematic, premeditated cultural genocide of Kosova's Albanian population, including its successor generation. For example, the closing of Albanian-language schools, the dismissal of Albanian teachers and students, the imposition of an unfair quota system and the marginalization, if not in some cases outright elimination, of the teaching of Albanian history and literature, have resulted in thousands of young Albanians being deprived of "a normal intellectual development." A shadow system of education extending from primary schools to an alternate university has been created, due to the widespread discrimination against Albanians.

Significantly, what is happening in Kosova is not derived from genuine and spontaneous ethnic differences between Albanians and Serbs. Rather, Belgrade has instigated a pattern of repression against the Albanian population. Serbia's brutal, inhumane actions against Albanians in Kosova are morally reprehensible and must be brought to a halt. To ignore this tragedy, the West virtually becomes party to it. By not acting, we give our tacit approval. There are, however, many tragic situations dotting the globe including the ongoing slaughter in Bosnia. One may ask then why does Kosova matter? For Europeans, peace in their own backyard is of obvious importance; but

fundamentally, America, too, has a stake in a peaceful, prosperous Europe. If the regime of Serb leader Slobodan Milosevic is allowed to get away with another round of savagery in Kosova and escalate it, this would embolden other petty tyrants and escalate conflicts brewing in the former Soviet Union and bordering countries.

Significantly, the potential for an outbreak of violence in Kosova is also great. The repression is severe and constant and has taken its toll on the Albanian population. In the face of daily repression, President Rugova has launched a peaceful resistance campaign and thus far, has been successful in deterring violence or giving the Serbian police a pretext for exploiting any conflict. But, how long can this last? One can only draw the conclusion that violence will spread when one examines the pattern of Serbian behavior -- their aggressive actions in neighboring countries, their rescission of Kosova's provincial autonomy, the forced withdrawal of the CSCE monitors from Kosova and their systematic repression of the Albanian population. As the West wearies of finding an acceptable solution in Bosnia, Serbia has tightened its grip on Kosova. A military crackdown seems less a question of if, than of when.

An outbreak of violence which is likely to prompt Albania's involvement and that of other neighboring countries, including two NATO members, Turkey and Greece, is certain to have a destabilizing influence on the region and a negative impact on European security. Moreover, the expected doubling, if not

tripling of refugees, will incur a substantial political, economic and social toll on Europe. Population dislocations will breed an unstable environment and much discontent.

For these reasons, the West and the United States must act now before the worst happens. Here, the lessons of Bosnia-Herzegovina are instructive. Aggressive behavior by Milosevic's regime intensifies unless met by firm resistance. Consequently, we should take the following steps. First, we should continue to provide humanitarian aid to Kosova. Second, we should also support technical assistance programs aimed at grassroots democracy movements which will strengthen democratic and economic development in Bulgaria, Albania, Romania and in the countries which now comprise the former Yugoslavia. Growing democracies can only help both as a comparative model and a contrast: a model for Albanians in Kosova who want democracy to take root there; a contrast to Serbia's ruthless, unrepresentative governance. Moreover, the democratic process is a more peaceful and tolerant means of addressing differences and resolving conflicts.

Third, we should broaden our diplomatic efforts directed at inducing Serbia and its allies to cease all human rights violations and aggressive actions. Unfortunately, U.S. policy to date has primarily focused on support for the Bosnian peace process. This must be broadened to have a long-term impact. Also, unfortunately, a recent U.N. resolution calls for the easing of sanctions against Serbia merely on the grounds that

Belgrade has now permitted U.N. monitors to check Serbian monitors guarding the borders against military supplies flowing to Bosnian Serbs. This U.N. action is seriously premature, unwarranted and sends a wrong signal. None of these negotiations have even addressed the tragedy in Kosova and other potential hot spots in the territory of the former Yugoslavia. Yet, such linkage must be made. There is a piece of legislation before Congress, known as the Kosova Peace and Democracy Act, sponsored by two Members of Congress, Eliot Engel (D-NY) and Susan Molinari (R-NY), which provides for such linkage. The Act states that international economic sanctions against Belgrade should not be lifted until the Kosova crisis is resolved and the elected government of Kosova is permitted to meet. It also specifically calls for a restoration of Kosova's independent identity, improvement in the human rights situation, and a return of the CSCE monitors. This piece of legislation represents a thoughtful, principled course of action and deserves strong support by Congress and the Administration.

And finally, the West should continue its recognition of President Rugova as the legitimate leader of Kosova and pursue a more active role in facilitating negotiations between Albanians and Serbs.

By now the world community has become somewhat desensitized to the endless stream of horror stories in Bosnia. Precisely because Bosnian fighting, however gruesome, has so far remained geographically limited, it has tended to impart a false sense of

security about the potential for conflicts in other parts of the former Yugoslavia to escalate and the broader threats they pose to regional peace. Kosova remains the victim of Serbian apartheid and the most likely candidate for a new Serbian onslaught. While the West's credibility after the numerous false starts and abandoned threats in Bosnia is in tatters, an abdication of responsibility in Kosova is likely to lead to both strategic and ethical calamities. If the West and the United States act now and do not lift the economic sanctions against Serbia until the Kosova crisis is resolved, further bloodshed in the region can possibly be averted.

Human Rights Violations in the Kosovo Province of the Federal Republic of Yugoslavia

**Before the House Foreign Affairs Subcommittee
on Europe and the Middle East**

October 5, 1994

**Presented by Maryam Elahi
Government Program Officer
for Europe, the Middle East and Northern Africa
Amnesty International USA**

I. Introduction

Amnesty International welcomes this opportunity to testify before the House Foreign Affairs Subcommittee on Europe and the Middle East on the human rights situation in Kosovo province of the Federal Republic of Yugoslavia. Amnesty International (AI) is an independent worldwide human rights movement which works for the release of prisoners of conscience; individuals detained for their beliefs, color, sex, ethnic origin, religion or language, provided they have not used nor advocated violence. The organization also works for fair and prompt trials for all political prisoners and for the abolition of the death penalty and torture.

Amnesty International takes no position on the legitimacy of territorial claims or on issues of polity. Amnesty International's work is based on the Universal Declaration of Human Rights and other international and regional human rights treaties. Amnesty International condemns the torture and execution of prisoners by all governments and opposition groups. By reminding governments of their responsibility for preventing such abuses, Amnesty International seeks to promote adherence to the rule of law and international standards for the protection of human rights.

The human rights situation in Kosovo province has deteriorated since Serbia abolished its autonomy in September 1990 and has worsened since. Incidents of violence by the largely Serbian police force have increased over the years. The long-term monitoring mission of the Conference on Security and Co-operation in Europe (CSCE) in Kosovo, the Sandzak and Vojvodina was forced out by the Yugoslav Federal Government in July 1993. The government has also refused to allow the UN Special Rapporteur on the former Yugoslavia to set up an office in Belgrade. Human rights monitors and organizations have generally been denied access since then, although, on one single occasion, an AI observer was able to attend the trial of three ethnic Albanians in Prizren in November 1993.

Though armed conflict has not yet erupted, the political situation in Kosovo is quite dire. Mr. Chairman, we believe that information on the human rights situation should be used as an early warning indicator. In order to prevent the breakout of armed conflict and massive human rights violations, as in Croatia and Bosnia-Herzegovina, the United States should urge that specific measures be implemented to protect human rights - the most urgent being the immediate granting of access to Kosovo for the CSCE and other human rights monitoring organizations.

II. Amnesty International's Concerns

Amnesty International's concerns in Kosovo since 1989 have largely focused on three particular issues: police brutality often resulting in torture and/or ill-treatment, detention of ethnic Albanians for non-violent political activity and unfair trials.

A. Background

The territory of the Republic of Serbia includes two provinces; Vojvodina and Kosovo. Ethnic Albanians numbering over 1.7 million, account for up to 90% of Kosovo's population.

The 1974 Constitution of the Socialist Federal Republic of Yugoslavia gave Serbia's two provinces considerable autonomy, including their own governments and parliaments, constitutional courts, supreme courts and representatives in all federal institutions. In 1981, there were mass demonstrations in support of the demand that Kosovo cease to be part of Serbia and that it be granted republic status. The demonstrations were halted in bloodshed. Mass arrests followed. According to official figures, from 1981 to 1988, over 1750 ethnic Albanians were sentenced for up to 15 years imprisonment for the expression of their nationalist sentiment; another 7000 were sentenced to up to 60 days imprisonment for minor political offences.

In February 1989, troops were sent into Kosovo after a general strike by ethnic Albanians against proposed constitutional changes limiting the province's autonomy. In March, 44 Albanians were arrested and charged with stirring up unrest. During the same month, constitutional changes giving the republic of Serbia greater powers over Kosovo were passed, prompting clashes between Albanian demonstrators and government troops in which at least 24 people were killed. More than 900 demonstrators were summarily jailed for up to 60 days. Some 165 people were reportedly detained incommunicado; unable to contact their relatives and lawyers. Up to 2000 miners and workers were jailed for up to 60 days, fined, fired or disciplined for taking industrial action in solidarity with the Albanian strikers; 200 others had their passports withdrawn. There were purges of political organizations, journalists and teachers. An unknown number of students who had participated in the demonstrations were expelled from their schools.

Ethnic conflict and harassment by the government authorities has intensified in the province over the years. In 1991, up to 6000 ethnic Albanian secondary school teachers were dismissed from their posts, often for continuing to teach according to the curriculum laid down by the suspended

Kosovo Council for Education instead of that set by the Serbian authorities. Over 800 ethnic Albanian teaching staff have been dismissed from Pristina University. Classes with Albanian as language of instruction were closed in almost all secondary schools and at the university in Pristina. When teachers and students tried to return to classes, they were frequently barred by the police from entering.

Tensions increased in 1993 following the departure of the CSCE mission in July. There was a new wave of arrests and political trials of ethnic Albanians. Police violence against ethnic Albanians was reported on a daily basis, with political and human rights activists as the main targets of this violence.

B. The Human Rights Situation in Kosovo in 1994

Police brutality and harassment has escalated in Kosovo since the beginning of the year. Human rights activists report police violence on a daily basis. Brutal beatings with truncheons, punching and kicking are the most common forms of violence, but electric shock have also been used by police officers. Police officers commonly express ethnic hatred towards their victims, who are verbally abused for being Albanian. Many victims have been so badly injured that they needed medical treatment or hospitalization; several have died, apparently as a result of injuries they received from beatings.

Thousands of ethnic Albanians have witnessed or experienced police violence at first hand during home searches. Police officers search homes for arms and even when no weapons are found, male members of a family are often arrested and severely beaten. As large extended families live together in rural areas of Kosovo, police raids are normally witnessed and personally experienced by the entire family. The ensuing sense of insecurity is further exacerbated by the pervasive presence of the Yugoslav Army. Searches for arms are often conducted in a deliberately intimidating and destructive way. Furniture is broken up; anyone at home is threatened and harassed, and men are beaten in front of their families, as well as, at the police station. Some families have been repeatedly searched by the police who have shouted at them "Get out of here" or "Go to Albania."

Among the most frequent targets of police violence or harassment are ethnic Albanians, who are prominent because of their political activity. Members of the Lidhja Demokratike e Kosoves (LDK), the Democratic League of Kosovo, the main ethnic Albanian party, are often victims of police harassment. Members of other ethnic Albanian political parties; teachers and academics, former political prisoners, human rights activists, trade unionists, those involved in the organization of humanitarian aid to families

in need, local sports leaders and journalists have also been the target of harassment by the police.

In late July and early August, within a period of two weeks, three ethnic Albanians were shot dead by police officers and another wounded. Two other ethnic Albanians were shot dead near the border with Albania by officers of the Yugoslav Army. In several of these cases, the authorities claimed that the police or military had resorted to firearms in self-defense. However, in at least two cases, one of them involving the death of a six-year-old boy, the police officers in question do not seem to have been under attack.

A well-documented incident of systematic police brutality occurred in Urosevac on January 31, 1994, when a concert commemorating five ethnic Albanian nationalist leaders was held. The organizers and audience included former political prisoners, human rights activists and political activists. Police surrounded the building where the concert was held, arrested some 40 people and then took them to the local police headquarters. They were held there for up to nine hours, or longer, interrogated and all allegedly beaten. For example, Rexhep Ismani, one of the organizers of the concern, wrote on February 4, 1994:

"At the end of the concert word went around that police were taking the registration numbers of cars of those attending the concert. The audience began quietly to depart, and the Organizing Committee and other activists and guests went to the reception room of our host where a meal was prepared. As the guests were seated, word came that the building was surrounded. The doors remained closed and a silence settled on those present. Then the bell rang and armed inspectors and police came in. ... They started to carry out an identity check ... As I was near the door I was among the first to be ordered to go downstairs where other police were waiting."

Mr. Ismani and some 15 others were put into a police van and taken to local police headquarters, where they were greeted with shouts and insults.

"They lined us up with our faces to the wall and took us one by one into an office to take down our names and addresses. They then took us up to the second floor to an open corridor where they began to beat us in the most brutal manner. One police officer with a shaved head, who changed his truncheon for a larger one which he held in both hands, beat us with all his might ... A number of police officers came and joined him and in a frenzy began collectively to kick and punch us and

beat us with truncheons, aiming at vital parts of the body, such as the head, kidneys, legs, back and hands. With our faces turned to the wall they continued to beat us until we were fainting or bleeding from our injuries... After six hours of beatings, threats and insults, they used warm water to revive those who had lost consciousness."

A medical certificate dated February 3, 1994, states that Rexhep Ismani had bruises on his back and both hands. This account is similar to that of others who were arrested after the concert. Most stated that after being beaten on the second floor, they were again beaten or otherwise ill-treated while being interrogated on the third floor.

Human rights activists are also victims of police violence. Sami Kurteshi, an activist in the Council for the Defense of Human Rights and Freedoms, an ethnic Albanian human rights group, was arrested in July during a raid on the Pristina office of the group. He was taken to a police station where he was severely punched and beaten about the body with truncheons, including on his genitals and the soles of his feet. Schools organized privately by ethnic Albanians, who rejected the curricula and education in the Serbian language were targets for police raids in which directors, teachers and students were reportedly ill-treated.

The wave of arrests, trials and convictions of ethnic Albanians on political charges which began in 1993 has continued. By the end of July 1994, over 85 ethnic Albanians had been convicted and sentenced up to ten years in prison. A significant portion of the accused are political activists, usually but not always, members of the LDK. They were charged with planning the secession of Kosovo from Yugoslavia and its independence or unification with Albania. As far as we are aware, none of the accused has been charged with using violence. In addition to these trials, since the beginning of 1994, over 20 ethnic Albanians have been sentenced to up to 60 days' imprisonment for "minor" political offenses, such as holding political or sports meetings without official permission.

These trials are often unfair; breaches of procedure are flagrant, particularly in the stages immediately following arrest and during investigation proceedings, which have undermined the defendants' right to defense. In most cases, defendants reject the charges against them and allege that false statements were extorted by beatings and threats. In some cases, medical evidence supports these allegations. Convictions have to a great extent been based on these contested statements, often with little supporting evidence. Amnesty International considers a number of those convicted to be "prisoners of consciences" and that charges against

them for seeking to change Kosovo's status by use of force were not convincingly substantiated in court.

Acquittals are virtually unknown in Kosovo province. A recent exception, however, is a case of four LDK activists whom were acquitted by the District Court of Pristina on September 19, 1994.

Article 191 of the Criminal Code of the Federal Republic of Yugoslavia punishes, with up to three years' imprisonment, officials who in the performance of their duties physically ill-treat, intimidate or insult another person. Article 65 of the Serbian Criminal Code provides for a sentence of up to five years' imprisonment if the ill-treatment is intended to extract a confession (or up to 15 years if the ill-treatment is very serious). Torture or cruel, inhuman or degrading treatment or punishment are also prohibited under Article 7 of the International Covenant on Civil and Political Rights and under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; both treaties are legally binding on the Federal Republic of Yugoslavia. In practice, police officers in Kosovo violate on a daily basis these provisions and in only the most extreme cases, involving the death of a victim (but not always even then), are those responsible brought to justice.

III. Recommendations and Conclusions

Amnesty International recommends that the United States government urge the government of the Federal Republic of Yugoslavia to end human rights abuses in Kosovo by taking the following measures:

First, encourage human rights monitoring.

- 1) Allow the CSCE long-term mission to return to Yugoslavia.
- 2) Permit the UN Special Rapporteur on the former Yugoslavia to set up an office in Belgrade and allowing him unrestricted access to the country;
- 3) Receive representatives of human rights organizations and permit human rights monitors in Kosovo.

Second, stop torture and ill-treatment.

- 1) Provide for prompt and impartial investigation by independent authorities into allegations of torture or ill-treatment and bringing those responsible to justice. The Yugoslav government would thus fulfil its legally binding obligation under Articles 7, 12 and 13 of the UN Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2) Ensure that detainees are always brought before a court within three days, as laid down by law; and that they are kept in detention only under court supervision. Most ill-treatment occurs during police custody.

3) Establish that detainees have the legal right to a medical examination by a doctor of their choice as soon as an allegation of torture or ill-treatment is made. Investigating judges should immediately investigate whenever a person before them alleges ill-treatment.

4) Urge that police officer know and uphold international standards of law enforcement. These standards are set out in the United Nations Code of Conduct for Law Enforcement Officials, the United Nations Basic Principles on the Use of Force and Firearms by the Law Enforcement Officials, and the United Nations Body of Principles for the Protection of All Persons Under any Form of Detention or Imprisonment.

5) Inform all police officers that torture and ill-treatment are criminal acts.

Third, institute fair trials.

1) Amend the law so that, without exception, detainees have prompt and regular access to their lawyers and to all relevant documents.

2) See to it that lawyers have the same rights as public prosecutors during proceedings, and particularly, a client's lawyer should be present during all interrogations.

The United States should avail itself of every opportunity to prevent the escalation of an armed conflict in Kosovo. It is critical, at this juncture, that an international monitoring presence be re-established in Kosovo. The United States should act within various multilateral fora such as the CSCE and the UN Security Council to implement a human rights monitoring mission in Kosovo. If any lessons have been learned from the heart wrenching human disaster that continues to unfold in Bosnia-Hercegovina, it must be applied to prevent the potential reoccurrence of such a massive catastrophe.

* For more detailed information and case documentation on Kosovo province, please see the following Amnesty International documents:

"Police Violence in Kosovo Province - the Victims" September 1994

"Police Violence Against Ethnic Albanians in Kosovo Province" April 1994

"Ethnic Albanians - Trial by Truncheon" February 1994

"International Monitoring in Kosovo and Beyond: Appeal to Governments from Secretary General of Amnesty International" September 1993

"Ethnic Albanians - Victims of Torture and Ill-treatment by Police in Kosovo Province" June 1992

"Recent Events in the Autonomous Province of Kosovo" May 1989

Dennison Rusinow,
 Research Professor and Adjunct Professor of History,
 University of Pittsburgh
 5 October 1994
 Subcommittee on Europe and the Middle East

The subject of this hearing is "the political and humanitarian situation in Kosovo." My colleagues on this panel will presumably focus [have focused] on the humanitarian aspects. My introductory remarks will therefore focus on the political aspects, although I fully recognize that they cannot be separated from the humanitarian, and from justified emphasis on gross violations of civil and human rights suffered by the Albanian 90% of Kosovo's population for more than a decade and especially since the late 1980s.

The present political situation can best be summarized (and therefore oversimplified and distorted in detail) as a precarious deadlock. Its precariousness in turn carries the seeds of violence and further violations of human rights (including right to life and home) on a scale that can exceed the horrors of Bosnia-Herzegovina, plus a near certainty of escalation into an international and wider-than-Balkan war involving Macedonia ("FYROM"), Albania, Bulgaria, Greece, Turkey, and friends and relations of these, including the United States.

Ingredients of this precarious deadlock include the following:

(1) the Serbian regime insists that Kosovo is an integral part of a centralized Serbian and "rump" Yugoslav state, in which Serb historical claims and will of the Serb majority must predominate. Given the intensity of Serb sentiments concerning Kosovo and the centrality of the Kosovo question in President Slobodan Milosevic's rise to power and popularity, it is very difficult to envisage any change in this position.

(2) Kosovar Albanians seem equally adamant that restoration of the autonomy within Serbia that was abrogated in 1989-90 was their minimum acceptable condition but may now be too little too late. They appear committed to their parallel government and shadow state and increasingly to independence or union with Albania, although at present still committed to achieving their goals through the non-violent resistance and civil disobedience advocated by Ibrahim Rugova and his national front, the Democratic League of Kosovo (LDK).

(3) The third main actor, the "international community", has vehemently criticized Serbian policies, particularly regarding human rights, and the US has warned against any attempt at "ethnic cleansing" in Kosovo (on pragmatic grounds an unlikely prospect at present). However, it has generally shown no willingness to challenge Serbia's "territorial integrity", i.e. sovereignty over Kosovo.

(4) Meanwhile, Serbian authorities have been unwilling or unable to suppress the Kosovar Albanians' "parallel government" and significant activities, particularly underground ("catacomb") Albanian-language schools; Kosovar Albanians have been correspondingly unable or unwilling seriously to challenge

Serbian administrative and police control of the province. Finally, it should not be forgotten that almost all means of coercion - weaponry and organized police and military forces - are a regime monopoly.

Almost all "future scenarios" for Kosovo that have come to my attention, and all but one of the more likely, include or imply the certainty or very high risk of the massive violence and wider war I have already mentioned. The sole exception is a partitioned Kosovo, which currently seems a less likely outcome than it once did.

If this summary is close to accurate, it follows that US and "international community" policies and policy-planning should have two urgent focuses:

(1) Avoiding violence, which would begin but not end with a "humanitarian catastrophe" for largely defenseless Kosovar Albanians. Serbian authorities, which do not include numerous and dangerous rogue Serb groupings, have many pragmatic (including demographic) reasons for not provoking such violence by attempts at "ethnic cleansing" or similar radical measures. (Mass "ethnic cleansing" is therefore a chimera, and invoking it is perhaps a convenient evasion of more realistic evil prospects.) It follows that US and "international community" policies and rhetoric should firmly encourage the continuation - in defiance of continuous buffeting by Serbian acts of oppression and the temptations of alternative strategies for Kosovar Albanians - of "Gandhian" (civil disobedience) strategies by the Albanian resistance. This also means our strict avoidance of the kind of rhetoric and occasional gestures that have encouraged the Bosnian government side in Bosnia's war to believe that they can provoke American and/or "Western" military assistance and intervention that these governments in fact have no intention to provide. At the present stage encouragement of this course probably also excludes even rhetorical support for a political solution foreseeing Kosovo's total independence or union with Albania.

(2) Serious thinking about and planning (developing a strategy) for an end-of-the-day political solution that will accomplish several aims that sometimes seem partly contradictory:

- a) Satisfying the most essential and justified Kosovar Albanian complaints and hopes, viz.

- (i) effectively guaranteeing all of the usual list of human, civil, and communal rights embodied in UN and other covenants to which the former SFR Yugoslavia, and therefore a "rump" FR Yugoslavia that seeks recognition as its legal successor state, is a signatory;

- (ii) at least as much say in (control over) their own affairs as their Kosovar Albanian and at that time Communist political elite exercised from ca.1968 to 1981 (and formally until 1989-90);

- (iii) although not lately as prominent on their agenda, preoccupied by (i) and (ii), arrangements and means for improved economic well-being and increasing prosperity in what was Yugoslavia's poorest region.

- b) Offering highest probability that the solution will be

enduring and will contribute to peace and stability in Kosovo and the wider Balkan region.

Two primary and contentious questions are implicit in my remarks and merit further consideration at this hearing. The first is whether and how these essential and justified aims are capable of achievement within some form and status for Kosovo within Serbia and ("rump") FR Yugoslavia. The second is the shape, likelihood, and human and other costs of alternatives to a solution inside Serbia and FR Yugoslavia.

(Please note that this is a hasty first draft, and that the witness's oral remarks may deviate substantively from it)

Testimony**Hon. Joseph J. DiGuardi****Congressional Hearing on Kosova****October 5, 1994**

Once an autonomous province of Yugoslavia, Kosova, with a population of nearly two million (90 percent Albanian), has been under Serbian occupation since 1989. Kosova Albanians, along with another one million Albanians living in adjoining Macedonia, Montenegro, and three enclaves in Serbia proper, retain a Muslim influence from five centuries of Ottoman Turkish occupation. However, unlike the Bosnian Muslims, Albanians are not Slavs. They are descendants of the Illyrians of Roman times, and their language, written in Latin alphabet, is unrelated to Serbo-Croatian, which is written in the Cyrillic alphabet.

Until March 23, 1989, Kosova was a proto-democracy enjoying an equal vote and voice with the six other republics in the confederal presidency of the former Yugoslavia. On that day Serbian strong man Slobodan Milosevic, now reviled around the world for his atrocities throughout the Balkans, forcibly converted Kosova into a vassal state. Its freely elected parliamentarians were driven into prison and exile,

its streets patrolled by Serbian armor, its peoples subjected to the atrocities of an arrogant regime intent on ethnic suppression and, ultimately, "ethnic cleansing."

The tragic conflict in Bosnia demonstrates how little regard the Serbs have for the views of the international community. Their complete disregard for the mandates and requirements of the UN Security Council, and indeed for the norms of civilized behavior as they carry out their plan for an "ethnically cleansed Greater Serbia," raises concern for the region of Kosova and its Albanian majority.

Over a year ago, Serbian authorities refused to renew visas for a team of CSCE monitors that had been dispatched to Kosova to keep an eye on human rights abuses committed by the Serbian authorities. The Serbs have remained intransigent in refusing to grant visas for human rights monitors despite urgent appeals from the United States and most members of the European Union and other concerned countries. They have also refused to comply with UN Security Council Resolution 855, which required Serbia to permit international human rights monitors into Kosova. Since the departure of international monitors, human rights abuses have nearly doubled, according to reports from the Kosovar Albanian community, with a number of its leading personalities driven into exile in fear for their lives.

KOSOVA UNDER SERBIAN OCCUPATION

Under the occupation, Serbian police have expelled nearly all Albanian physicians, dismissed 7,000 students, prohibited the use of Albanian as a language of instruction in Kosova's schools, replaced Albanian judges with Serbs, and engaged in random beatings, kidnappings, house searches, and killings. The Serbian government has closed Albanian radio and television operations and used its own media to promote anti-Albanian sentiment in the region.

Economic strangulation has been a key element of Serbia's takeover of Kosova. "Compulsory administration" has been imposed on most of Kosova's more than one hundred economic centers, resulting in the collapse of Kosova's economy. Over 75,000 Albanian families have no employed members, and it is estimated that 400,000 to 500,000 Albanians are suffering from food shortages. Many analysts believe that the Serbian government is trying to bring the Albanian population to its knees through hunger and deprivation.

Having stripped the Albanian people of Kosova of their constitutional freedom, their democracy and their human rights, the Serbian government is threatening the lives of unarmed Albanians by

seizing their property and openly distributing weapons to the Serbian minority in Kosova. There is a great danger of a completely lopsided, bloody civil war and massacre of Albanians of Kosova.

A CONSPIRACY OF SILENCE

The volatile situation in Kosova cannot be described simply as a matter of human rights violations.. Much like the continuing situation in Bosnia, the citizens of Kosova are victims of state inflicted terrorism. But unlike Bosnia, where Americans have witnessed the atrocities on TV screens everyday, Kosova is virtually invisible. In fact, the situation in Kosova is reminiscent of both the horrors of South African apartheid and the Warsaw Ghetto. And, by remaining silent and not defining our foreign policy objectives in relation to the Albanians in the Balkans, the United States is complicit in the carnage.

Why have we remained silent? I believe that one of the major problems facing the Albanians today is the fact that they, like the Bosnians, are primarily Muslim. The Muslims of Europe are isolated and under attack. The scare tactic, or rationale, apparently being used to justify our inaction is the specter of radical Islam and Muslim terrorism, when in fact the population in question is composed of

Muslim moderates, as are the vast majority of adherents to Islam. For this very reason, we should be helping the pacifist Albanians under the leadership of Dr. Ibrahim Rugova, Kosova's Gandhi-like president. We need only to look at Turkey, one of our important allies in the region, to understand the importance of cooperation between the West and secular Islamic states.

CONCLUSION AND RECOMMENDATIONS

One of the clear results of our inaction has been to embolden Slobodan Milosevic to act with impunity in the Balkans, especially in Kosova. The atrocities in Kosova are escalating daily. The only thing stopping Milosevic from forcibly expelling all the Albanians from Kosova is Serbia's need for the millions of dollars that have poured into Kosova from the Albanian diaspora in an attempt to keep the population fed, housed, and educated under extremely oppressive conditions.

Once we lift the economic embargo on Serbia, the need for restraint in Kosova will cease. Many are predicting that there will be a Serbian assault on Kosova on the scale of Bosnia and, if this happens, I believe that it will be a far more serious matter in terms of European

and world stability than anything we have seen in the region so far. Albania's leaders, allied with Turkey, could not stand by while their neighboring Albanian brothers and sisters are slaughtered in the streets. A Turkish intervention would likely spur reaction in Greece, Turkey's traditional adversary. And Russia, which has historically been closely allied with Slavic Serbia, would likely take sides with Belgrade. Finally, an explosion in Kosova could revive Bulgarian and Greek ambitions in the politically shaky new state of Macedonia.

The West must play a proactive role in deterring a Serbian onslaught against Albanians in Kosova aimed at producing their "final solution" to the "Albanian problem." President Clinton has already dispatched some 600 American troops to neighboring Macedonia as "observers." While the United States should not unilaterally dispatch armed forces into Kosova, I believe there are other steps we should take now.

First, President Clinton should reemphasize publicly what he has already made clear to Belgrade; namely, that a Serbian offensive against the Albanians in Kosova will bring a swift and powerful counterstroke.

Second, the United States should accelerate aid to Albania's new democratic regime, under the able leadership of Dr. Sali Berisha, and strengthen U.S.-Albanian cooperation, which might, if necessary, move from developmental to military assistance.

Third, the United States and its European allies should admit Albania to full membership in NATO. This would send a strong signal to Belgrade to back off.

Fourth, the United States should continue to press the issue of human rights and democratic self-government for all the Albanians who do not now enjoy those rights, not only in Kosova but also in contiguous Macedonia, Montenegro, and Serbia proper, where over 3 million Albanians have been excluded from full participation in the political process.

Finally, the United States and the United Nations should make plans to install an international group of monitors to report independently on what is happening in Kosova.

It is not in the interest of human rights, or of democracy, or of the world community, especially of those nations with an historic interest in the Balkans, or of the United States to avert our eyes as another power-mad European dictator wreaks vengeance on an unoffending

and defenseless people solely because of their ethnic ancestry and religious affiliation. If we have learned anything from the Holocaust, it must be this.

Joseph J. DiGuardi, formerly a member of Congress from New York, is currently president of the Albanian American Civic League.

HR 4115 – KOSOVA PEACE AND DEMOCRACY ACT OF 1994

Summary

Findings.

- * Human rights violations in Kosova are widespread and have worsened since the dismissal of human rights observers in July 1993.
- * The majority of the people of Kosova voted for independence and a new government, which has not been permitted to meet.
- * Presidents Bush and Clinton have explicitly warned Serbia that the U.S. would not tolerate Serbia's expansion of the conflict to Kosova.
- * Radio Free Europe recently began broadcasts to the former Yugoslavia in Serbian and Croatian, but not in Albanian.
- * Congress has provided for the establishment of a USIA Cultural office in Kosova pursuant to Public Law 102-138.

Sense of the Congress

- * Repression of the population of Kosova and Kosovar institutions, such as the judiciary and schooling, should end.
- * Those fired from jobs based on ethnicity should be rehired.
- * CSCE observers should be readmitted and numbers expanded.
- * The President should reemphasize warnings that the U.S. would respond forcefully if Serbia expands the military conflict to Kosova.
- * NATO should develop plans for military action to halt the spread of the Balkan conflict in Kosova.
- * The no-fly-zone should be expanded to cover Kosova.
- * The Prishtina Airport should be reopened.
- * The elected government of Kosova should be allowed to meet.
- * USIA should open the Prishtina office as soon as possible.

Sanctions.

- * Sanctions imposed on the Former Yugoslavia because of its actions in Bosnia, Croatia, and Slovenia, shall not be lifted until:
 - ** There is substantial progress toward restoration of Kosova's independent identity.
 - ** There is substantial improvement in the human rights situation in Kosova.
 - ** International observers return.
 - ** The elected government of Kosova is permitted to meet.

Radio Free Europe/Radio Liberty.

- * RFE/RL shall submit to Congress a plan for Albanian language programing for broadcast to Kosova and other areas of the former Yugoslavia with significant Albanian populations for at least one hour per day.

COSPONSORS OF KOSOVA PEACE AND DEMOCRACY ACT

1) Engel -- Sponsor
Molinari -- Original cosponsor

Serrano
King
Lowey
Olver
Miller (CA)
Levy
Kennedy
10) Porter
Brown (CA)
Levin
Wilson
Berman
Smith (NJ)
Rohrabacher
Towns
Swett
Moran
20) Manton
Fish
Ackerman
Hastings
Deutsch
Paxon
Schumer
McNulty



United States Department of State

Washington, D.C. 20520

SEP - 7 1991

Dear Mr. Chairman:

This letter is to respond to your committee's proposed legislation, H.R. 4115, to condition the lifting of UN economic sanctions on Serbia and Montenegro upon improvement of the human rights situation in Kosovo.

We fully agree with the sense of the House that the continuing repression and the flagrant harassment of the ethnic Albanian majority in Kosovo by the government of Serbia is deplorable. We hold the Serbian leadership responsible for the current conditions in Kosovo and have urged President Milosevic on several occasions to take steps to protect the rights of the Albanian majority there.

To ameliorate the appalling abuses of human rights now being reported in Kosovo, we support resumption of international monitoring in Kosovo, under CSCE or other auspices, as soon as possible. We have also repeatedly warned the Serbian government that we will respond in the event of a Serb-induced violence in Kosovo. The Department of State opposes full normalization of relations with the "FRY" until the situation in Kosovo has been resolved.

However, we do not support legislation explicitly linking the easing of sanctions on Serbia and Montenegro to a resolution of the situation in Kosovo. Such legislative linkage could undermine our flexibility in negotiating a final peace agreement in Bosnia. It may well be appropriate to keep some sanctions in place until there is a resolution in Kosovo, but we must reserve the flexibility to make such determination for the negotiators. In addition, we believe that section 4(c) presents a constitutional problem because it requires the Secretary of the Treasury to instruct U.S. officials of international financial institutions to oppose assistance to Serbia and Montenegro until a certification is made to Congress. Since constitutional authority over foreign affairs necessarily entails discretion over these matters, we would prefer that the resolution be reformulated explicitly as an expression of the views of Congress.

The Honorable

Lee H. Hamilton,

Chairman,

Committee on Foreign Affairs,

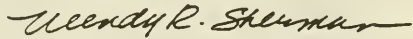
House of Representatives.

The Department also supports the goal of opening a USIS Center in Pristina. However, ethnic violence and political unrest in Kosovo have created an environment which is not conducive to the opening of a USIS Center in Pristina at present. In the meantime, our Embassy in Belgrade maintains regular contacts in Kosovo. Charge Rudolf Perina and the Embassy's political officers frequently visit Pristina for meetings with Albanian leaders.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope this information is useful to you. Please do not hesitate to contact me if you have additional questions.

Sincerely,



Wendy R. Sherman
Assistant Secretary
Legislative Affairs

103D CONGRESS
2D SESSION

H. R. 4115

To condition the lifting of sanctions on Serbia and Montenegro upon improvements in Kosova, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1994

Mr. ENGEL (for himself, Ms. MOLINARI, Mr. SERRANO, Mr. KING, Mrs. LOWEY, and Mr. OLVER) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, and Public Works and Transportation

A BILL

To condition the lifting of sanctions on Serbia and Montenegro upon improvements in Kosova, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Kosova Peace and De-
5 mocracy Act of 1994".

6 SEC. 2. FINDINGS.

7 The Congress finds the following:

8 (1) The political rights of the Albanian majority
9 in Kosova were curtailed in 1989 when the former

1 Yugoslav Government in Belgrade illegally amended
2 the Yugoslav federal constitution, revoking Kosova's
3 autonomous status.

4 (2) In September 1990, a referendum on the
5 question of independence for Kosova was held in
6 which 87 percent of those eligible to participate
7 voted, and 99 percent of those voting supported
8 independence for Kosova.

9 (3) In May 1992, a Kosovar national par-
10 liament was elected and Dr. Ibrahim Rugova was
11 overwhelmingly elected President of the Republic of
12 Kosova.

13 (4) The government in Belgrade has not al-
14 lowed the new Kosovar government to assemble on
15 Kosovar territory.

16 (5) Credible reports of Serbian "ethnic cleans-
17 ing" in Kosova have been received by the United
18 Nations Special Rapporteur on Human Rights, and
19 Serbian leader Slobodan Milosevic has called for the
20 transfer of ethnic Albanians from their homes in
21 Kosova to areas outside of Kosovar territory and
22 their replacement by Serbs.

23 (6) Since 1990, tens of thousands of Kosovars
24 of Albanian origin have been dismissed from their
25 jobs solely on the basis of their ethnicity.

1 (7) Reports of brutal beatings of ethnic Alba-
2 nians in Kosova by the mostly Serbian police are re-
3 ceived almost daily.

4 (8) The government in Belgrade has severely
5 restricted the access of ethnic Albanians in Kosova
6 to all levels of education solely on the basis of their
7 ethnicity.

8 (9) All forms of the media in Kosova, especially
9 those in the Albanian language, are strictly con-
10 trolled by the government in Belgrade and dissent-
11 ing political views are systematically deleted from all
12 forms of the media.

13 (10) Under the "Special Measures" decree
14 adopted in 1991, the government in Belgrade inten-
15 tionally undermined the independent character of
16 the judiciary of Kosova by dismissing hundreds of
17 ethnic Albanian judges, replacing them with Serbs
18 or Montenegrins, and changing the official court lan-
19 guage to Serbian, which is not native to the Alba-
20 nian majority.

21 (11) Those expressing political views in opposi-
22 tion to the current government are frequently jailed
23 and tortured while in prison by Serbian authorities,
24 and occasional deaths of detainees have been re-
25 ported.

1 (12) Conference on Security and Cooperation in
2 Europe observers dispatched to Kosova in 1991,
3 were expelled by the government in Belgrade in July
4 1993.

5 (13) Following the departure of such observers,
6 several international human rights organizations, in-
7 cluding Amnesty International, Human Rights
8 Watch, and the Helsinki Federation for Human
9 Rights, have documented an increase in humani-
10 tarian abuses in Kosova.

11 (14) The economy of Kosova is under severe
12 pressure caused by the combination of the closing of
13 small businesses by Serbian authorities and the ef-
14 fect of international sanctions.

15 (15) Radio Free Europe recently began broad-
16 casts to the former Yugoslavia in Serbian and Cro-
17 atian, but not in Albanian.

18 (16) Congress has provided for the opening of
19 a United States Information Agency cultural center
20 in Prishtina, Kosova, in section 223 of the Foreign
21 Relations Authorization Act, Fiscal Years 1992 and
22 1993, but security conditions have prevented the es-
23 tablishment of such center.

24 (17) The closing of the airport in Prishtina,
25 Kosova, represents an obstacle to the delivery of hu-

1 manitarian goods into Kosova and a barrier to a re-
2 turn to normalcy.

3 (18) The President has explicitly warned the
4 government in Belgrade that "in the event of con-
5 flict in Kosova caused by Serbian action, the United
6 States will be prepared to employ military force
7 against the Serbs in Kosova and in Serbia proper."

8 **SEC. 3. SENSE OF CONGRESS.**

9 It is the sense of the Congress that—

10 (1) "ethnic cleansing" and other acts of repres-
11 sion against the citizens of Kosova by the govern-
12 ment in Belgrade must be halted immediately;

13 (2) members of the elected government of
14 Kosova should be allowed to assemble and exercise
15 their legitimate mandate as elected representatives
16 of the people of Kosova;

17 (3) all individuals in Kosova whose employment
18 was terminated on the basis of their ethnicity should
19 be reinstated to their previous positions immediately;

20 (4) the education system in Kosova should be
21 reopened to all residents of Kosova regardless of eth-
22 nicity, and the majority ethnic Albanian population
23 should be allowed to be educated in its native
24 tongue;

1 (5) all decrees undermining the autonomous
2 and indigenous character of the Kosovar bar and ju-
3 diciary should be reversed;

4 (6) the right of the press and all forms of
5 media in Kosova, including those in the Albanian
6 language, relating to freedom of expression should
7 be respected;

8 (7) Conference on Security and Cooperation in
9 Europe observers, expelled by the government in
10 Belgrade in July 1993, should be readmitted to
11 Kosova and their numbers expanded;

12 (8) the United Nations should dispatch observ-
13 ers to Kosova to monitor human rights and to limit
14 violence;

15 (9) the airport in Prishtina, Kosova should be
16 reopened;

17 (10) the United States Information Agency
18 should open a cultural center in Prishtina, Kosova,
19 as provided in section 223 of the Foreign Relations
20 Authorization Act, Fiscal Years 1992 and 1993, as
21 soon as possible;

22 (11) the "no-fly-zone", currently covering
23 Bosnia, should be expanded to cover Kosova;

24 (12) the United States should reiterate
25 warnings to the government in Belgrade that it is

1 prepared to respond with all necessary means in the
2 event that Serbia expands the military conflict into
3 Kosova; and

4 (13) the North Atlantic Treaty Organization
5 should develop plans to halt the spread of the Bal-
6 kan conflict to Kosova.

7 **SEC. 4. PROHIBITION ON LIFTING OF SANCTIONS AGAINST**
8 **SERBIA AND MONTENEGRO UNTIL CERTAIN**
9 **CONDITIONS MET.**

10 (a) **CODIFICATION OF EXECUTIVE BRANCH SANC-**
11 **TIONS.**—The sanctions imposed on Serbia and
12 Montenegro, as in effect on the date of the enactment of
13 this Act, that were imposed by or pursuant to the follow-
14 ing directives of the executive branch shall (except as pro-
15 vided under subsection (e)) remain in effect until the
16 President certifies to the Congress that the conditions de-
17 scribed in subsection (d) have been met:

18 (1) Executive Order 12808 of May 30, 1992, as
19 continued in effect on May 25, 1993.

20 (2) Executive Order 12810 of June 5, 1992.

21 (3) Executive Order 12831 of January 15,
22 1993.

23 (4) Executive Order 12846 of April 25, 1993.

24 (5) Department of State Public Notice 1427,
25 effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991
(56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-
38 of May 20, 1992.

(8) Federal Aviation Administration action of
June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—No funds appro-
priated or otherwise made available by law may be obli-
gated or expended on behalf of the government of Serbia
or the government of Montenegro until the President cer-
tifies to the Congress that the conditions described in sub-
section (d) have been met.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—
The Secretary of the Treasury shall instruct the United
States executive director of each international financial in-
stitution to use the voice and vote of the United States
to oppose any assistance from that institution to the gov-
ernment of Serbia or the government of Montenegro, ex-
cept for basic human needs, until the President certifies
to the Congress that the conditions described in subsection
(d) have been met.

(d) CONDITIONS DESCRIBED.—The conditions de-
scribed in this subsection are the following:

1 (1) There is substantial progress toward the
2 restoration of the independent identity and auton-
3 omy of Kosova.

4 (2) There is substantial improvement in the
5 human rights situation in Kosova, including im-
6 provement in those factors listed in paragraphs (5)
7 through (11) of section 2.

8 (3) International human rights observers are al-
9 lowed to return to Kosova.

10 (4) The elected government of Kosova is per-
11 mitted to meet and carry out its legitimate mandate
12 as elected representatives of the people of Kosova.

13 (e) WAIVER AUTHORITY.—

14 (1) IN GENERAL.—The President may waive or
15 modify the application, in whole or in part, of any
16 sanction described in subsection (a), the prohibition
17 in subsection (b), or the requirement in subsection
18 (c).

19 (2) CERTIFICATION.—Such a waiver or modi-
20 fication may only be effective upon certification by
21 the President to Congress that the President has de-
22 termined that the waiver or modification is
23 necessary—

24 (A) to meet emergency humanitarian
25 needs; or

1 (B) to achieve a negotiated settlement of
2 the conflict in Kosova that is acceptable to the
3 parties.

4 **SEC. 5. PROGRAMMING BY RADIO FREE EUROPE AND**
5 **RADIO LIBERTY IN THE ALBANIAN LAN-**
6 **GUAGE TO KOSOVA, THE FORMER YUGOSLAV**
7 **REPUBLIC OF MACEDONIA, AND OTHER**
8 **AREAS.**

9 Not later than 3 months after the date of enactment
10 of this Act, the Chairman of the Board for International
11 Broadcasting shall submit to the Congress a plan, to-
12 gether with a detailed budget, for the establishment of a
13 surrogate home service under the auspices of Radio Free
14 Europe/Radio Liberty for Albanian populations living in
15 Kosova and other areas of the former Yugoslavia. Such
16 service shall be in the Albanian language and shall be
17 broadcast not less than one hour per day.



REPUBLIC OF KOSOVA
PRESIDENT

Prishtina, 5 October 1994

The House of Representatives Subcommittee on Europe and the Middle East
Congressional Committee Hearing on Kosova

Dear Sirs,

Due to difficult circumstances in Kosova at the moment which require my close attention and presence, I deeply regret to have been prevented in participating at this very important Congressional Committee Hearing on Kosova.

I sincerely believe that during the hearing the Kosova issue will be comprehensively presented and raised as one of the key questions in former Yugoslavia and the Balkans, which requires due international attention.

Being cognizant that the Kosova issue represents today one of the gravest problems in the Balkans, without the solution of which no lasting peace and security is possible in the region, we nourish our conviction that today's hearing on Kosova at the House of Representatives Subcommittee on Europe and the Middle East will further raise the attention of the international community on the issue.

We consider that this important issue should be addressed from the starting point of the recognition of the political will of its people respecting its right to self-determination following the dismemberment of the former multinational Yugoslav federation. This political will was expressed by the Constitutional Declaration and confirmed in a referendum held in September 1991, in which the overwhelming

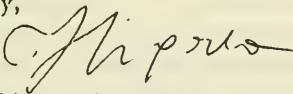
majority of the Kosova population opted for independence, sovereignty, and neutrality of Kosova.

Although subjected to severe state repression and institutionalized violence by the Serbian authorities the people of Kosova and its leadership maintained and pursued a peaceful and non-violent response, and are firmly committed to a peaceful solution of the Kosova issue through serious and genuine dialogue under the mediation of a third authorized party.

We have repeatedly been calling for some form of international protection of Kosova - as a transitory stage - which would possibly include an international civil administration which would bring about a normalization of life, prevention of open conflict, and creation of a better environment for a negotiated settlement of the Kosova issue.

Expressing our deep appreciation for this - for Kosova - very important move of the Congressional Committee we wish the hearing meets its expectations.

Sincerely,

A handwritten signature in dark ink, appearing to read 'I. Rugova', written in a cursive style.

Dr.Ibrahim RUGOVA

President of the Republic of Kosova

October 4, 1994

The Honorable Eliot Engel
House Foreign Affairs Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Engel:

Please accept the regret of my government that a representative from Kosova cannot attend the European and the Middle East Subcommittee hearing. We are well aware of the effort you have made to schedule this important open meeting, which is timely and essential to understanding the current repressive situation in Kosova and developing sound U.S. policy on this issue.

Your steadfast and consistent interest in and support for the people of Kosova have earned you the eternal gratitude of our country, as well as all who are committed to freedom, individual liberty and protection of human rights.

Of all the nations of the world and international institutions, the United States of America has demonstrated the clearest understanding of the threat under which the 92 percent Albanian majority lives in Kosova. The ultimatum given to the Serbs by former President Bush and reiterated a year ago by President Clinton has been effective in preventing an even worse escalation of hostilities toward our people by the 60,000 Serbian miliary, paramilitary and police forces who inundate our republic.

For our part, the people of Kosova led by President Ibrahim Rugova have subscribed to peaceful resistance to the totalitarian regime imposed on us by Belgrade, which is intent upon driving Albanians out of Kosova through "quiet ethnic cleansing." For five years, we have sustained the most brutal forms of repression and oppression, with the completed abrogation of all human, civil and national rights of the Albanian majority under Serbian martial law.

Our plight has been thoroughly documented by Amnesty International, the United Nations Special Rapporteur, CSCE, and other human rights bodies and international organizations. Over the last 12 months, since CSCE monitors were expelled by the Milosevic regime, the incidence of human rights violations in Kosova has escalated dramatically.

Our people, while remaining committed to nonviolent resistance, have about reached the end of their rope. Without decisive action by the international community in the near future, the powder keg that is Kosova could well be ignited, with a subsequent catastrophe that would eclipse the previous waves of human suffering and bloodshed witnessed in the Balkans since 1991.

Congress under your leadership has proposed the Kosova Peace and Democracy Act, which logically and legitimately links any easing of sanctions imposed by the United Nations against Serbia to substantial improvement in the Kosova situation. We have seen no such improvement; to the contrary things have deteriorated.

The recent Security Council action to lift certain restrictions imposed on Serbia is at best a travesty, considering evidence provided by U.S. officials that Serbia has not closed its border with Bosnia. Belgrade is not fully enforcing its embargo against Bosnian Serbs, and therefore it is a serious mistake to ease economic sanctions.

The effect of recognizing Serbia in this way is to grant a legitimacy to Milosevic that is hardly deserved. It gives him increased external and internal credibility, while he tightens the juggernaut on innocent civilians in Kosova.

Internationalization of the Kosova crisis is absolutely essential, as part of a global solution to the grave crisis that has swept Croatia and Bosnia-Herzegovina, threatening stability in the entire region. President Rugova has called for an international protectorate of some sort to guard against total annihilation of Albanians in Kosova.

Ambassador Jeane Kirkpatrick has suggested that antiquated U.N. machinery for protectorates should be rebuilt and revitalized for active protection of peoples whose human rights are being violated massively.

Such mechanisms could be created in CSCE, the United Nations, or the European Union, with enforcement by NATO or the Eurocorps. Imagination, coupled with political and moral will to act, could create a viable international protectorate option.

An entity existed for considering such options. When the International Conference on Former Yugoslavia met in London in August 1992, a Kosova Working Group was established. At that time, meetings were held to discuss easing of Serbian repression of the institutions of Albanian society, namely the educational system and specifically the University of Prishtina.

However, when Serbian leadership changes occurred, the Belgrade regime refused to attend subsequent meetings of the Kosova Working Group. The Working Group, which has been moribund ever since, has achieved absolutely nothing. Now is the time to breathe new life into the process, and we call on the United States to take the lead in creating a new mechanism to begin the task of fulfilling the legitimate rights of the Kosovars to life, liberty and self determination.

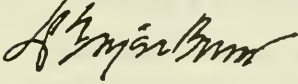
We are committed to productive dialog in the presence of the international community to discuss and hopefully resolve the grave questions before us. This option is far preferable to confrontation and violence. But I must stress the importance of initiating such constructive dialog soon, since our people have endured much and cannot be expected to stand idly by while politicians posture.

In the interim, it is essential for international monitors to return to the scene of Milosevic's crimes. At least the handful of CSCE observers present until a year ago could document the brutal Serbian repression pervasive in our land. Now, the Serbian thugs can intimidate, harass, brutalize, beat and murder our citizens with impunity. We urge the U.S. Congress to exert its pressure behind restoring an international human rights observer mission in Kosova at the earliest possible date. Milosevic has accepted international observers to monitor rump Yugoslavia's embargo against the Bosnian Serbs; he should likewise be pressured to allow redeployment of international observers in Kosova.

Finally, may I express the thanks of our people to the people of America who, through their elected representatives in Congress, have provided millions of dollars in humanitarian assistance over the last three years. Such aid has made our lives somewhat less miserable, allowing us to survive at a time when most Albanians have been fired from their jobs, driven from their schools, rejected from their medical care facilities, and prohibited from expressing their political views.

As the world focuses attention on ending the war in Bosnia-Herzegovina, we urge you and the world community to broaden its perspective to include the Kosova conflict. Myopia now will lead to catastrophe later.

Sincerely,



Dr. Bujar Bukoshi

103D CONGRESS
2D SESSION

H. CON. RES. 251

To express the sense of the Congress that the President should report to the Congress on the situation in Kosova and on his recommendations on ways to enhance international protection of the rights of the people of Kosova.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1994

Mr. GILMAN (for himself, Mr. ACKERMAN, and Mr. SHAYS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

To express the sense of the Congress that the President should report to the Congress on the situation in Kosova and on his recommendations on ways to enhance international protection of the rights of the people of Kosova.

Whereas the Constitution of the Socialist Federal Republic of Yugoslavia adopted in 1946 and the amended Yugoslav constitution adopted in 1974 described the status of Kosova as one of the eight constituent territorial units of the Yugoslav Federation;

Whereas the Government of Yugoslavia unlawfully abolished the autonomous status of Kosova through the adoption of a constitutional amendment without the consent of the people of Kosova on March 23, 1989;

Whereas in 1990 the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia and over 100,000 ethnic Albanians in government, the police, enterprises, media, educational institutions, and hospitals were removed from their jobs and replaced by Serbs;

Whereas Serbian police have arrested hundreds of Kosovar Albanians for allegedly engaging in nationalist activities, often beating them brutally, and occasionally fatally;

Whereas the people of Kosova have reacted to the unlawful violation of their rights and Serbian repression by establishing peacefully a parallel set of political and social institutions in Kosova, approving in 1990 a constitution, and electing Ibrahim Rugova as President;

Whereas the Government of Serbia, in July 1993, ceased cooperation with the missions of human rights monitors sent to Kosova by the Conference on Security and Cooperation in Europe and by the European Community; and

Whereas the Government of Serbia has ignored United Nations Security Council Resolution 855, of August 1993, which calls upon the government to allow the continuation of the Conference on Security and Cooperation in Europe mission and to guarantee the safety of and unimpeded access for Conference on Security and Cooperation in Europe monitors: Now, therefore, be it

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring), That it is the sense of the Congress that the*
- 3 *President should report to the Congress within 60 days*
- 4 *on—*

1 (1) the situation in Kosova, including the man-
2 ner in which Serbia's policies have affected the eco-
3 nomic, social, and cultural rights of the majority in
4 Kosova;

5 (2) measures to provide humanitarian assist-
6 ance to the population of Kosova and to Kosovar
7 refugees who have fled Kosova; and

8 (3) his recommendations (taking into account
9 the views of other United Nations Security Council
10 members and the European Union) on what modali-
11 ties may be pursued, including the possibility of es-
12 tablishing an international protectorate for Kosova
13 together with other members of the United Nations
14 Security Council and the European Union, to imple-
15 ment international protection of the rights of the
16 people of Kosova, reestablish an international pres-
17 ence in Kosova to monitor more effectively the situa-
18 tion there, and secure for the people of Kosova their
19 right to democratic self-government.

**HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON EUROPE AND THE MIDDLE EAST
HEARING ON THE SITUATION IN KOSOVO
OCTOBER 5, 1994**

**TESTIMONY BY REPRESENTATIVE STENY H. HOYER, CO-CHAIRMAN
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. Chairman, I commend you and the subcommittee for convening this hearing on the situation in Kosovo. The questions Kosovo poses are, in many respects, difficult to answer, but the tragic human rights situation there compels us to try. This hearing, and hopefully others in the future, are useful in this regard.

As Co-Chairman of the Helsinki Commission, I have followed the situation in Kosovo for a number of years. I travelled there in April 1990, just as Slobodan Milosevic was removing the last vestiges of Kosovo's provincial autonomy as part of his larger plan of Serbian domination that would lead to the violent disintegration of the Yugoslav federation. The Commission also held two hearings which focused heavily on Kosovo, one in July 1993 on the potential for the conflict in Bosnia-Herzegovina to spillover into nearby regions and, just this May, on the human rights situation in Kosovo, Sandzak and Vojvodina.

Let me add that the Commission's Chairman, Senator Dennis DeConcini, returned to Kosovo in April 1993. The Senator has a long and admirable record of promoting human rights and peace, democracy and justice, in Kosovo and throughout the Balkans. As a Commission Co-Chair, he has visited every Balkan country at least once, and a majority of them twice. Regrettably, Senator DeConcini will be retiring as this Congress comes to a close, and his work on the Commission will be deeply missed.

With this background, I would now like to comment on the situation in Kosovo from a CSCE perspective. Repression by the Serbian authorities of ethnic Albanians in Kosovo, the overwhelming majority of the population, continues with an unabated severity, affecting practically every sphere of society, from education to medical care to the media. Albanians are frequently detained, beaten and tortured by the police, after which they are forced to "confess" the alleged crime. Sometimes, however, they do not survive the ordeal. Paramilitary groups, including Arkan's "Tigers," are often present in the region, harassing the local Albanian population. The number of ethnic Albanians fired from their job or excluded from medical assistance runs not in the tens, but hundreds, of thousands. A Serb-oriented curriculum has been imposed on schools, and the University of Pristina has been effectively closed to Albanian students. Albanian-language media is severely curtailed.

Leaders of the Albanian community have responded, in many instances, by setting parallel services for the population, including private schools and medical clinics. To some extent, the Serbian authorities tolerate this activity, as well as larger political activity associated with the Kosovars' self-proclaimed separation from Serbia. A tight lid is kept on these activities, however, and they are disrupted repeatedly. The situation, therefore, is dismal even for the most compliant, apolitical ethnic Albanian. As a result, tens of thousands have left Kosovo for other countries, some to escape military service in the Serb-dominated Yugoslav Army, others because the situation has simply become unbearable.

Why does this situation exist? This is a very difficult question. It is attributed, in part, to Albanian agitation for greater autonomy, republic status and independence. Many, of course, view this as the result of the repression, and there is no doubt that recent repressive measures have reinforced Albanian resolve to break from Serbia. Nevertheless, Albanian aspirations along these lines predated Milosevic. But, Mr. Chairman, under no circumstances do I agree with Serbian authorities who have explained to me that this "separatism" justifies repression and human rights violations. From a CSCE perspective, individuals anywhere, from Kosovo to Washington DC, have the right to advocate peacefully for political change. And the Commission was made aware in 1990 of relatively isolated acts of harassment, violence and crimes by ethnic Albanians against ethnic Serbs and Montenegrins. While such acts are reprehensible, it is unacceptable to decide that a whole population will suffer the consequences for the criminal acts of a few.

To a great extent, the current situation is based on a larger Serb resentment over the political autonomy Tito had accorded Kosovo and the ability of Albanians to promote their language, culture and history, and to be involved in all parts of society within the confines of the communist system. This resentment, indeed, extends to their perception that Tito favored Croats, Bosnian Muslims and others over the Serbs, which is not completely false but certainly very debatable. With Kosovo, however, the resentment of Serbs is exacerbated by the central role of Kosovo in the history of the Serbian people, much of it real but also much of it myth - perceived as real. Yet, while most Serbs believe that Serbia must keep Kosovo and repress the Albanians if necessary to do so, ironically as individuals they may just as soon see Serbia relieved of this burden. Many, in fact, have never been to Kosovo for any appreciable amount of time.

This last point brings me to what I see as the real cause of the problem in Kosovo. We must keep in mind that, while Kosovo is severely repressed, Muslims in Sandzak, Hungarians, Croats and Slovaks in Vojvodina, and other non-Serbs under Serbian authority face discrimination and harsh measures as well, and the Serbs themselves are denied a democratic system in which they can exercise their rights. Slobodan Milosevic came to power in the late 1980s with a wave of propaganda which convinced Serbs he was their savior from the enemy people around them, starting with the Albanians of Kosovo. He has stirred up hatred to maintain his power, even if it meant the killing of tens of thousands of innocent civilians in Croatia and hundreds of thousands in Bosnia-Herzegovina. He has convinced them that Albanians are almost an alien presence in Kosovo, preparing to destroy everything Serb. It is not coincidental that this man is presently the longest ruling communist leader in the region, and the only one in East-Central Europe to have survived the transition to multi-party politics in 1989 and 1990. While some of the problems in Kosovo I have described earlier needed to exist to permit things to develop as they have, the results were not inevitable. That took someone, and individual like Slobodan Milosevic, to manipulate them to serve his sinister goals.

Of course, Milosevic has plenty of thugs to carry out his policies. Allow me to recall two personal experiences which demonstrate this point. I can remember being in Kosovo in April 1990 and meeting with the local Communist party leader who could not give me the name of even a single ethnic Albanian with whom he would meet to begin a dialogue. Similarly, I recall a meeting with the Rector and professors at the University in Pristina who refused to hold a meeting at which ethnic Albanian students would be able to present their concerns. Only when I threatened to walked out of the meeting did the university officials allow the ethnic Albanian students into the meeting. These experiences showed how unwilling even the professors were to talk. These examples also underscore the undemocratic nature of the Serbian government as it rules Kosovo.

The question now is, what can we do about it. I will only make a few suggestions, rather than a complete list of policy positions. To start, let me quote former Yugoslav Justice Minister Tibor Varady, a witness at a Commission hearing to whom I posed this same question. He responded:

I believe that the basic premise of Milosevic's policies are irrational. But, within these premises, he's very rational. He's a very shrewd, rational politician... [I]f he's rational, that means also that resolve can influence him, but what has been shown so far is anything but resolve. Whenever there was resolve, either behind a threat or a promise, I think he did react rationally, but there was very little behind the threats and promises.

I think this is key to everything else we do toward Milosevic's Serbia, from the war in Bosnia-Herzegovina to the drawing the line at Kosovo, which both President Bush and President Clinton have stated they have done. We need to show him resolve.

I do not necessarily foresee Serbia doing to Kosovo what it has done to Bosnia, because it already controls the entire region. It may take the form of more repressive measures against the Kosovar Albanians, the continuation of a more subtle "ethnic cleansing" of Albanians from Kosovo and more steps to urge Serbs to move in. A major conflict in Kosovo is not necessarily being planned by Belgrade. However, a situation like that which exists in Kosovo today cannot last forever. It is fortunate that the Albanian response to Serbian repression has been responsible, but there are limits to what they can tolerate. Given the tensions there, sooner or later, something may happen, perhaps spontaneously, which will lead to an explosion.

For that reason, it is critical to get the CSCE monitors expelled from Kosovo, as well as from Sandzak and Vojvodina, back in operation. They cannot prevent major violence from occurring, but they can help deter it. It is important to note, as Albanian human rights activists have, that the number of human rights violations in Kosovo has increased dramatically since the forced departure of the CSCE monitors. A similar trend has occurred in Sandzak. I think it is unfortunate that, while the international community pressed for monitors in Serbia and Montenegro to watch for traffic crossing into Bosnia-Herzegovina, it did not insist that the CSCE monitoring missions be reestablished as part of the deal. Frankly, I must state my concern that this whole sanctions easing effort may not produce any results for Bosnia, let alone Kosovo.

Mr. Chairman, on the subject of sanctions, many have advocated that we extend those imposed on Serbia because of the war in Bosnia to include a settlement of the Kosovo problem as well. I question the utility of this, even though I do not support lifting these sanctions now because of Bosnia. There are many others who want to see the sanctions extended to cover other issues. Extending the sanctions will make Serbia even less likely to take any steps regarding Bosnia, let alone these other issues.

That said, when the time really does come for easing sanctions -- such as after there is a peace settlement in Bosnia-Herzegovina and it is being implemented -- easing should take place in a way that permits us to keep leverage on Serbia regarding Kosovo. For example, trade with Serbia may be restored, but its official promotion through credits should be linked to Kosovo. We must remember that the Nickles amendment in 1990 did put in place some restrictions because of the situation in Kosovo. Perhaps if MFN is ever restored to Serbia, it can be done in a way similar to the Jackson-Vanik amendment that would permit annual reviews of human rights trends. I am not certain that actually applying Jackson-Vanik would work, since the criteria strictly speaking is only emigration, but it might be worthwhile for Congress to raise the possibility of a similar human rights review exercise with the Administration when the time comes, if it ever comes.

This, of course, is for the future, but we should make it clear to Mr. Milosevic now, with resolve, that these are our intentions, and that he needs to do this if he wants to get that. In the meantime, we need to continually raise the situation in Kosovo publicly, even as our focus remains predominately on the tragedy of Bosnia-Herzegovina, which is, after all, part of the same problem. Raising these concerns publicly, forcefully and repeatedly is what the CSCE and the Helsinki Commission are known for, and, over time, it can make a difference.

I would also suggest that the focus remain on human rights in Kosovo, and not the political status of Kosovo. In today's political climate of extreme nationalism and ethnic and religious intolerance I do not give much credence to unilateral referenda and self-proclaimed governments, even though in Kosovo I do have tremendous sympathy for the Albanians who have moved in this direction and view their independence referendum in Kosovo and their elections for their own government to be at least more democratic than the unilateral decision taken by the Serbian government in 1990 to deny Kosovo its autonomy. At a minimum, that previous autonomy needs to be restored.

For me, Kosovo's status beyond that point should be determined by human rights criteria. In this day and age, no state has the right to rule a territory the way Serbia rules Kosovo. If Belgrade cannot respect the inherent human rights and fundamental freedoms of all Kosovars, then eventually its right to govern there is undermined and illegitimate. It may be that they have already reached that point. It is the duty of the international community to insist upon Belgrade that it recognize and give meaning to the inherent human rights which all Kosovars are entitled and possess, as well as to all those living in Serbia and Montenegro. In that democratic context, Albanian leaders should respond to opportunities for dialogue on the issues, and the status of Kosovo could be negotiated and agreed upon, at least peacefully if not easily.

Given current human rights trends, however, Kosovo is only for Serbia to lose, no matter what Mr. Milosevic thinks.

Mr. Chairman, I want to commend you and this Subcommittee for holding this very important hearing. It is critical not only that Belgrade know that the U.S. Congress is watching events in Kosovo but also that the people of Kosovo know that we are concerned with Belgrade's actions in that area. These hearings highlight our concerns and signal to Belgrade that its actions ultimately will influence how the U.S. Congress deals with it in the future. Thank you, Mr. Chairman. Your leadership on this human rights issue is critical.

THE AGONY OF KOSOVA

By Hon. Joseph J. DioGuardi, President of the
Albanian American Civic League

A Resource Book On The Albanians of Kosova

(July, 1992)

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[EMBARGOED FOR 19 SEPTEMBER 1994]

amnesty international

YUGOSLAVIA

Police violence in Kosovo province - the victims

SEPTEMBER 1994

SUMMARY

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Over the past year human rights abuses perpetrated by police against ethnic Albanians in the predominantly Albanian-populated province of Kosovo province in the Republic of Serbia have dangerously escalated. Thousands of ethnic Albanians have witnessed police violence or experienced it at first hand. In late July and early August, within a period of two weeks, three ethnic Albanians were shot dead by police officers and another wounded. Two other ethnic Albanians were shot dead near the border with Albania by officers of the Yugoslav Army. In several of these cases the authorities claimed that police or military had resorted to firearms in self-defence. However, in at least two cases, one of them involving the death of a six-year-old boy, the police officers in question do not appear to have been under attack.

Amnesty International fears that ethnic tensions which are potentially explosive have risen as officers of the largely Serbian police force have increasingly resorted to the routine use of violence. These developments have taken place in the context of a continued confrontation between the Serbian authorities and ethnic Albanians, the majority of whom refuse to recognize Serbian authority in the province and support the demand of the Democratic League of Kosovo (LDK), Kosovo's main party representing ethnic Albanians, for the secession, by peaceful means, of the province from the Federal Republic of Yugoslavia (FRY).

Ethnic Albanian human rights activists now report many incidents of police abuses every day. Brutal beatings with truncheons, punching and kicking are the most common forms of violence, but electric shocks have also sometimes been used by police officers. Police officers commonly express ethnic hatred towards their victims. A particularly savage and pathological instance of ethnic hatred is shown on the cover of this report: a police officer slashed a Serbian symbol on the chest of an 18-year-old ethnic Albanian

YUGOSLAVIA

Police violence in Kosovo province - the victims

Amnesty International's concerns

Over the past year human rights abuses perpetrated by police against ethnic Albanians in the predominantly Albanian-populated province of Kosovo province in the Republic of Serbia have dangerously escalated. Thousands of ethnic Albanians have witnessed police violence or experienced it at first hand. In late July and early August, within a period of two weeks, three ethnic Albanians were shot dead by police officers and another wounded. Two other ethnic Albanians were shot dead near the border with Albania by officers of the Yugoslav Army. In several of these cases the authorities claimed that police or military had resorted to firearms in self-defence. However, in at least two cases, one of them involving the death of a six-year-old boy, the police officers in question do not appear to have been under attack.

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Amnesty International has no position on the status of Kosovo province; the organization is concerned solely with the protection of the human rights of individuals. One of these rights is the right not to be subject torture or to cruel, inhuman or degrading treatment or punishment. This right is provided for under Article 7 of the International Covenant on Civil and Political Rights and under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both treaties which are legally binding on the FRY. Amnesty International considers that the level of abuses perpetrated by police in Kosovo province can only be explained as part of an official policy to retain control of the province by extreme intimidation. The organization also notes the very high degree of impunity enjoyed by police officers.

Ethnic Albanian human rights activists, members of the Council for the Defence of Human Rights and Freedoms in Pristina, now report many incidents of police abuses

every day. Brutal beatings with truncheons, punching and kicking are the most common forms of violence, but electric shocks have also sometimes been used by police officers. Police officers commonly express ethnic hatred towards their victims, who are verbally abused for being Albanian. A particularly savage and pathological instance of ethnic hatred is shown on the cover of this report: a police officer slashed a Serbian symbol on the chest of an 18-year-old ethnic Albanian student. Many victims have been so badly injured they have needed medical treatment or hospitalization; several have died, apparently as a result of injuries they received from beatings.

Police repression in the FRY is not confined to Kosovo province however. Amnesty International believes that while the routine use of violence by police is at its most extreme in Kosovo province, there is a similar pattern of abuses against Slav Muslims in the Sanjak (Raška) region of Serbia and Montenegro, as has been documented by the Humanitarian Law Fund, an independent Yugoslav human rights organization based in Belgrade.¹ Local communities in Serbia have also protested on several occasions this year about police brutality against Serbian fellow citizens; these incidents, together with a rapid rise in the crime rate and allegations of major corruption amongst senior police officers, have provoked debate of police abuses amongst the Serbian public.

Amnesty International documented its concerns in Kosovo province in two reports earlier this year. *Yugoslavia: Ethnic Albanians - Trial by Truncheon* (AI Index: EUR 70/01/94), issued in February, highlighted its concern about the use of torture and other ill-treatment to obtain self-incriminating statements from ethnic Albanian defendants charged with political offences, which are later used to convict them in court.

Yugoslavia: Police violence against ethnic Albanians in Kosovo province (AI Index: EUR 70/06/4), issued in April, focused on the use of violence by police in the course of the arms raids which have become a major feature of policing in Kosovo since the outbreak of armed conflict in former Yugoslavia in 1991.

The present report focuses on a small number of individual victims, whose cases are illustrative. It shows the extreme injuries inflicted on them by police officers. It cannot, however, describe the humiliation, pain and anger experienced by these victims, their families and many others like them.

Amnesty International calls on the Yugoslav and Serbian authorities to enforce adequate controls and monitoring of police discipline, to insist that police officers at all levels respect international standards for law enforcement, to institute independent and

¹ Spotlight Report no.11, *Police Repression in Sanjak*, 23 March 1994.

impartial investigations into allegations of torture and ill-treatment and to bring those responsible for such abuses to justice.

Background

Kosovo province (officially called the Autonomous Province of Kosovo and Metohija) lies in the south of the Republic of Serbia, bordering on Albania. It has a population of some two million; the great majority (about 85 per cent) are ethnic Albanians. Inhabited for centuries by a mixed population, Kosovo occupies a major place in the national consciousness of both Serbs and ethnic Albanians. For the Serbs it is the heartland of the mediaeval Serbian kingdom where many of the greatest monuments of the (Christian) Serbian Orthodox Church are located. The ethnic Albanian population (predominantly Muslim) recalls that it was in Kosovo that the Albanian national revival began, with the founding of the League of Prizren in 1878. Since 1981 this ethnic rivalry has become increasingly and dangerously embittered, as ethnic Albanian demands, whether for republic status within Yugoslavia, secession, or unification with Albania, have been countered by repression.

Under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia (SFRY) Kosovo province was granted considerable autonomy, including its own government and parliament, constitutional court, supreme court and representatives in all federal institutions. It had earlier gained its own university where the Albanian language was the language of instruction for ethnic Albanian students.

Kosovo province is economically backward and suffers from high unemployment, although it is rich in natural resources. The rapid demographic growth of the ethnic Albanian population has been accompanied by the emigration of many Serbs and Montenegrins, due both to economic factors and to fears of domination by the ethnic Albanian majority.

Economic problems exacerbated nationalist unrest among ethnic Albanians which resurfaced dramatically in 1981 when there were wide-spread demonstrations in support of the demand that Kosovo cease to be part of Serbia and be granted republic status within the Yugoslav federation. The demonstrations were halted in bloodshed. Mass arrests followed. According to official figures, from 1981 to 1988 over 1,750 ethnic Albanians were sentenced by courts to up to 15 years' imprisonment for nationalist activities, another 7,000 were sentenced to up to 60 days' imprisonment for minor political offences.

In 1987, the League of Communists of Serbia under the leadership of Slobodan Milosevic, appealing to Serbian national sentiment, committed itself to regaining Serbian

control over Kosovo by means of changes to the province's constitution designed to limit Kosovo's autonomy.

In March 1989 the Kosovo parliament, under pressure from Serbia (tanks were stationed outside the parliament building at the time), approved the constitutional changes. There followed six days of violent clashes between ethnic Albanian demonstrators and security forces, in which - according to official figures - 24 people, two of them police officers, were killed and several hundreds wounded (unofficial sources cited far higher figures). Over 900 demonstrators, among them school pupils, were jailed for up to 60 days or fined, sacked or disciplined for taking industrial action in solidarity with ethnic Albanian strikers. Purges of local members of the League of Communists of Kosovo, of journalists, teachers and others followed.

In 1990 ethnic conflict intensified in Kosovo province. Between 24 January and 3 February 1990 there were further violent clashes in many parts of Kosovo between security forces and ethnic Albanian demonstrators, in which at least 30 ethnic Albanians died and several hundred others were injured. Over 1,000 ethnic Albanians who went on strike in support of the demonstrations or in other ways peacefully expressed nationalist dissent were imprisoned for up to 60 days. In July the Serbian parliament suspended the Kosovo Government and parliament after ethnic Albanian members of the Kosovo parliament declared Kosovo independent of the Republic of Serbia. Thousands of ethnic Albanians who refused to declare their approval for the Serbian measures lost their jobs, generally to be replaced by Serbs and Montenegrins.

At the end of September 1990 Serbia adopted a new constitution which deprived Kosovo province of most of its remaining autonomy. In December ethnic Albanians responded by boycotting Serbian elections, in which the communist party (renamed the Socialist Party) retained power. (In the course of 1990 numerous opposition parties were legally established throughout the SFRY and by the end of the year multi-party elections had taken place in all six republics.) Since then most ethnic Albanians in Kosovo province regard Serbian authority and measures in Kosovo as illegitimate and prefer to recognize as their representatives ethnic Albanians elected in elections which are not recognized by the Serbian authorities. At the same time, ethnic Albanians have organized "parallel" institutions outside official state structures, particularly in education, welfare and, to a lesser extent, in health.

In April 1992, following the break-up of the SFRY, a new state, the Federal Republic of Yugoslavia (FRY), comprising the Republics of Serbia and Montenegro, was proclaimed in Belgrade. Leaders of Kosovo's main ethnic Albanian political party, the Democratic League of Kosovo (LDK), now demanded Kosovo's full independence from Yugoslavia, a goal which they pledged to obtain by peaceful means. As tension in the

province mounted, and with armed conflict raging in Bosnia-Herzegovina, the Conference on Security and Cooperation in Europe (CSCE) established in October 1992 a long-term mission in Kosovo to monitor the human rights situation. However, since July 1993, both the CSCE and the United Nations Special Rapporteur on Yugoslavia have been refused permission by the Yugoslav Government to base monitoring missions of long duration in the FRY. The authorities have also refused visas to several human rights organizations, including Amnesty International. A wave of arrests of ethnic Albanians on political charges followed the departure of the CSCE mission from Kosovo in July 1993. Continued international concern has led to attempts to initiate a dialogue between the Serbian authorities and ethnic Albanian leaders; however, each side has so far insisted on conditions unacceptable to the other, and as yet no significant steps appear to have been taken, despite some tentative and informal contacts.

The police force in Kosovo province

Policing is divided between the force responsible for public order (the militia) and the state security service. According to ethnic Albanian sources, some 4,000 ethnic Albanian police officers have been dismissed from their posts since 1990 after refusing to accept and recognize the measures introduced in Kosovo province by the Serbian Government. The province is now policed by a force that is very largely Serbian and Montenegrin, recruited partly locally, but also from Serbia and Montenegro and Serbian-populated areas of Croatia and Bosnia-Herzegovina. It is reported that Serbs anxious to avoid war service in the Yugoslav National Army during the conflict in Croatia sometimes chose employment instead in the police forces in Kosovo. However, there have also been reports that service in Kosovo is unpopular with police from Serbia, in particular from the capital Belgrade, and is regarded by some as the equivalent of demotion. In July 1994 a former state security officer, Dragan Mladenović, reportedly alleged in an interview with the German radio station *Deutsche Welle* that after protesting about corruption amongst his colleagues he had been sent to Kosovo as a punishment. He accused the Deputy Minister of Internal Affairs of Serbia of involvement in drug and arms smuggling and of deliberately staging an incident in Glogovac (Kosovo) in May 1993 in which two police officers were killed, with the aim of provoking armed conflict in the province.

**SUPPLEMENTAL QUESTIONS SUBMITTED BY
THE HONORABLE ELIOT ENGEL (D-NY)
SUBCOMMITTEE ON EUROPE AND THE MIDDLE EAST
TO THE DEPARTMENT OF STATE**

**OCTOBER 5, 1994 HEARING
SITUATION IN KOSOVO**

QUESTION 1: Can you assure the Subcommittee that, in the coming weeks and months, the State Department and the Administration will devote sufficient time and resources to developing a policy toward Kosovo in consultation with Congress?

ANSWER 2:

The situation in Kosovo remains a great concern to U.S. government policy in the Balkans. I can indeed assure you that the State Department and the Administration will continue to address Kosovo and other vital issues of concern in the Balkans in consultation with Congress.

QUESTION 2: How does the Administration policy take into account and reconcile this dichotomy (between independence and autonomy) in the formulation of U.S. policy?

ANSWER 2:

We deplore the oppressive human rights conditions in Kosovo and demand that the autonomous rights of the province be restored. However, we do not believe that the independence of Kosovo is either a reasonable or an attainable goal. First, Kosovo is an integral part of Serbia. Second, Kosovo could not be separated from Serbia without bloodshed.

QUESTION 3: What is the U.S. doing to achieve the reinstatement of the CSCE international monitors in Kosovo? In the future, will we raise this issue in the Contact Group?

ANSWER 3:

The CSCE long-duration missions in Kosovo, Sandzak and Vojvodina played a crucial role by mediating disputes and providing a neutral, international presence in troubled regions. It would be of benefit to all parties in Serbia and Montenegro if they could resume their work.

However, the government in Belgrade insists that the "Federal Republic of Yugoslavia" (Serbia-Montenegro) be allowed to take part in CSCE activities before the long-duration missions would be allowed to return.

The Contact Group is considering how to incorporate the issue of Kosovo and the CSCE missions into a comprehensive

approach to achieving solutions to the outstanding issues in the former Yugoslavia.

QUESTION 4: How can we support self-determination for people in Haiti, Cuba and elsewhere, while setting aside those principles in Kosovo which has clearly manifested its desire to govern itself?

ANSWER 4:

We are committed to assuring that the people of Kosovo have full human and political rights, as we are for minority populations throughout the world, and for this reason we support the restoration of Kosovo's autonomy.

QUESTION 5: You were only able to provide a personal view that "to leave other problems untreated or undealt with is not going to lead to a sustainable situation or a sustainable peace. Is this to say that the State Department does not believe that Kosovo must be part of a comprehensive settlement?

ANSWER 5:

The Administration has never deviated from the opinion that a comprehensive regional settlement must address such issues as Kosovo, Serb-held Croatia and participation in the War Crimes Tribunal, in addition to Bosnia.

QUESTION 6: Will Kosovo be raised in our discussions and Contact Group talks with President Milosevic? Are we making clear that any resolution of the Balkan crisis must also solve the problem of Kosovo?

ANSWER 6:

The Administration continues to stress the importance of a resolution of the problems in Kosovo in all of its meetings with Serb and Montenegrin officials. We firmly believe that no conclusive resolution of the Balkan conflict is possible until Kosovo is addressed and the rights of its people are restored.

QUESTION 7: Also, what are the views of other Contact Group nations regarding Kosovo? Do they raise this issue in negotiations?

ANSWER 7:

The international community is greatly worried about Serb oppression in Kosovo. It must be said, however, that the international community largely opposes the concept of an

independent Kosovo. Most countries are concerned that separation from Serbia cannot be accomplished peacefully, and see extensive bloodshed and large population movements (exacerbating regional tensions) as likely consequences of any attempt at separation.

Our Contact Group partners largely share this perspective; the Russians have stated clearly that they view Kosovo as an internal Serbian matter. The European Contact Group members continue to support the EU Action Plan on Kosovo, Sandzak and Vojvodina.

The U.S. government will continue to raise the subject of Kosovo and the need to restore its autonomy.

QUESTION 8: Is it still the policy of the U.S., as stated by Under Secretary Tarnoff (and endorsed by Secretary Christopher), that at least "some of the sanctions regime should remain in place until there is a final settlement in (Kosovo)." Or, have we backed off to say that we only oppose normalization until conditions have improved in Kosovo? If U.S. policy has changed, why?

ANSWER 8:

This Administration has long believed that some sanctions should remain in place until there is a final settlement in Kosovo. Our policy must reflect the approach of the Contact Group, which seeks to address Kosovo in the context of a regional settlement.

QUESTION 9: What are we doing to ensure that, as the likelihood of Serb escalation in Kosovo increases, our warnings are taken seriously? Also, in light of current circumstances, when will the President reiterate this warning?

ANSWER 9:

Both President Clinton and President Bush before him have emphasized to Belgrade that the U.S. will respond in the event of Serb-inspired violence in Kosovo. Serbia and Montenegro are well aware of the fact that this warning still stands.

QUESTION 10: How can the U.S. help the indigenous Kosovar population instruct citizens (in) their own language according to their cultural background? Could the USIS office for Pristina, authorized by U.S. law, be of assistance in this area?

ANSWER 10:

The U.S. government is pleased to provide humanitarian assistance to Kosovo. Although Serb limitations on schooling in

Albania have forced many students to study "illegally" in private homes, language instruction is currently being conducted.

Even is a USIS center were to be opened in Pristina, USIS does not offer local language instruction overseas.

QUESTION 11: Can you assure me that when President Rugova or Prime Minister Bukoshi visit, they are afforded high level meetings within the Administration?

ANSWER 11:

We welcome any visit of Dr. Rugova and Mr. Bukoshi. They will be received at appropriate levels by the Administration when they visit Washington, as they have been in the past.

QUESTION 12: What is the U.S. opinion of the proposal for an international protectorate for Kosovo?

ANSWER 12:

We have serious reservations about the practicality of this idea. For any international protectorate to succeed as a peaceful enterprise, the Serbian government would have to give its consent. It could not simply be imposed.

QUESTION 13: Is this true (that U.S. Embassy officials visit Kosovo only once per month)? Can you inform the State Department to direct our Embassy in Belgrade to have American representatives visit Kosovo at least once per week?

ANSWER 13:

U.S. Embassy officers coordinate with concerned diplomatic colleagues to visit Kosovo about once every two weeks. They must spend a certain amount of time in Belgrade to prepare their reports and to cover a myriad of issues in the capital. In addition to Kosovo, they must travel to Sandzak, Montenegro and Vojvodina.

We monitor developments in Kosovo closely, meet with members of the Albanian community regularly, and would be prepared to visit Kosovo even more frequently if the circumstances required it.

QUESTION 14: Please describe the projects funded by these monies (FY 1993, 1994 and 1995 humanitarian relief funds for Kosovo) as well as successes and problems in distributing assistance.

ANSWER 14:

In FY 1993, USAID's Office of Foreign Disaster Assistance (OFDA) provided \$5 million in grants to Catholic Relief Services (food purchases for 300,000 beneficiaries) and Mercy Corps International (food purchases and hearing/cooking units for 352,000 beneficiaries).

In FY 1994, OFDA provided nearly \$6.7 million in grants to Doctors of the World (vaccinations and medical training for 53,000 beneficiaries); Mercy Corps International (medicines, cooking/heating units, plastic sheeting and seeds for 312,000 beneficiaries, 35 tons of soap and detergent for 323,000 beneficiaries, and 4,000 tons of what flour and "family packs" for 323,000 beneficiaries); and Catholic Relief Services (procurement and distribution of hygienic supplies to hospitals and clinics, and to continue activities funded in FY 1993).

No funds have yet been granted from the FY 1995 budget.

Most of this assistance has been successfully delivered and coordinated through the Mother Theresa Foundation, the only officially registered NGO in Kosovo.

QUESTION 15: Would the U.S. support observer status for Kosovo in the United Nations, the CSCE or other international bodies?

ANSWER 15:

We do not support his idea. Kosovo is not an independent country. It would therefore not be appropriate for it to participate in international bodies as if it were. We do, however, strongly support the restoration of Kosovar autonomy and urge the return of the CSCE long-duration missions to Kosovo.

QUESTION 16: During the hearing, you agreed to look into the possibility of opening a (USIS) office in Kosovo. I look forward to your answer to this question. Furthermore, what are the current security conditions in Kosovo? When do you foresee that this office might open?

ANSWER 16:

We have vigorously pursued the idea of a cultural center which we believe could make an important contribution to our efforts in Kosovo. Unfortunately, the security situation does not permit the opening of a USIS center in Pristina at this time. There is concern that the lives of U.S. personnel, center employees and center visitors would be at risk.

KOSOVO: THE NEXT POST-YUGOSLAV CRISIS?

BACKGROUND

Kosovo is a region in south Serbia which has been the focal point of bitter struggles between Serbs and Albanians for centuries. Serbs see Kosovo as the cradle of Serbian civilization. The claims of the two sides to the territory are historically based. During the 12th century, Kosovo was the birthplace of a powerful medieval Serbian kingdom and the seat of the Serbian Orthodox Church. Kosovo is dotted with Serbian religious shrines and historical monuments from this era. In 1389, the Serbs were defeated in a critical battle with the invading Turks on Kosovo Plain, ushering in over 400 years of Turkish domination. Despite this disastrous outcome, the heroism of Serb fighters during the battle of Kosovo has been celebrated for centuries in Serbian epic poetry similar in nature to the Greek *Iliad*.

Area: 10,887 sq. km., or slightly smaller than Connecticut

Population: 2.0 million

Ethnic Composition: 90% Albanian; 6% Serb, 1.5% Montenegrin

GNP (1989, based on purchasing power parity): \$3.0 billion

GNP per capita: \$1,520

The Turkish conquest had devastating consequences for the Serbs. Christians were assigned an inferior social status in the Turkish empire -- they were forbidden, for example, to own land. Over the next few centuries, large numbers of Serbs migrated to territories further north, where most Serbs now live. Serbian historians say that Albanians moved into the area from nearby mountains, converted to Islam in large numbers, received land, and became loyal subjects of the Sultan. Albanians, on the other hand, claim to be the descendants of the ancient Illyrian people, and to have inhabited the region long before the Serbs. In any case, the region gradually shifted from having a predominantly ethnically Serbian population to a largely Albanian one.

The northern areas of Serbia won *de facto* independence from Ottoman Empire in the early 19th century. However, Serbian leaders constantly strove over the next century to annex what they called "Old Serbia" (Kosovo, northern Albania, and parts of Macedonia) to their domains. In response, Albanians set up the first Albanian national movement, called the League of Prizren, in Kosovo in 1878. Albanians revolted against Ottoman control in 1912, and forced the Turks to give them virtual independence in August of that year. In November 1912, however, Serbia, Montenegro, Greece, and Bulgaria launched the First Balkan War, decisively defeating the Turks, virtually freeing the

peninsula from Ottoman control and seizing control of Albanian-inhabited lands. Serbia, Montenegro, and Greece wanted to divide the lands between them, but were forced by the European Great Powers (especially Austria-Hungary and Italy) at the London Conference in 1913 to permit the establishment of an independent Albanian state. However, the new state did not include Kosovo, which was ceded to Serbia, despite its large Albanian population.

After World War I, Kosovo became part of Yugoslavia. Land reform measures expropriated the old Muslim landowners and gave their land to Serb settlers. Many Albanians in Kosovo emigrated to Turkey, while those who remained were resentful of Serbian domination. During World War II, Italy occupied Albania and set up a Greater Albanian puppet state whose borders included Kosovo. Many Kosovars rejoiced at their union with Albania and supported the new state. Others joined the Albanian resistance movement led by hard-line Communist Enver Hoxha, or Yugoslavia's Partisans. Like many other areas of Yugoslavia, Kosovo became the site of bloody fighting between the various contending armed bands, and atrocities against civilians of both ethnic groups were common. Yugoslav Partisans seized Kosovo in 1944, and soon had to crush an uprising from ethnic Albanians.

KOSOVO IN POST-WAR YUGOSLAVIA

After the war, the victorious Yugoslav Partisans made Kosovo one of two autonomous provinces within Serbia, which became the largest republic of the new Socialist Federal Republic of Yugoslavia. Despite its new nominal autonomy, Kosovo remained under Serb domination. The key role in repressing ethnic Albanians was played by Yugoslav secret police chief Alexander Rankovic, a Serb. Rankovic's removal in 1966 led to an improvement of conditions in Kosovo, but also set the stage for the current conflict. Tito shifted his policy toward Kosovo from repression to conciliation. As a result of increased control over its educational system and increased contacts with Albania, Kosovo underwent a cultural revival. Changes to the Yugoslav Constitution in 1968, 1971, and 1974 gave Kosovo greater autonomy, giving it in many respects *de facto* republic status and therefore equal footing within the Yugoslav federation with Serbia. Ethnic Albanians began to take over leading posts in the local government and economy. Kosovo received large subsidies as part of a federal plan to equalize the sharp difference in levels of development between rich and poor areas of Yugoslavia.

These reforms had side effects that set the stage for future problems. Increasing autonomy led to the growth of nationalism. More voices demanded secession from Serbia and status as a full republic within Yugoslavia. A few even proposed union with Albania, despite that country's poverty compared to Yugoslavia and its exceptionally rigid Communist regime.

Moreover, despite resource transfers, Kosovo remained by far the most economically backward region of Yugoslavia, with a social product per capita (a measure of productive capacity comparable to Gross Domestic Product per

capita) only 27 percent the Yugoslav average in 1987. Some Kosovars complained that the region was a colony of the rest of Yugoslavia, a mere raw material-supplying appendage of more industrialized and prosperous regions of the country. Exacerbating Kosovo's economic difficulties was an explosive birth rate. Kosovar Albanians have the highest birth rate in Europe, nearly 3 percent. Two-thirds of the inhabitants of Kosovo are less than 27 years old. The region's poverty and rapid population growth resulted in mass unemployment. Government statistics, which probably understate the problem, put unemployment in Kosovo in 1988 at over 36 percent. Students and unemployed young people, especially those whose expectations were raised by increased educational opportunities, formed the core of militant protest groups calling for secession from Serbia. This tension led to clashes in 1968 and 1981, when violent protests calling for republic status for Kosovo were broken up by police.

While nationalism rose among ethnic Albanians, the resentment of the Serb minority in Kosovo at the "Albanianization" of Kosovo was at the boiling point. Serbs charged that ethnic Albanians were using discrimination, intimidation, and violence to drive Serbs out of the area in hopes of creating an "ethnically pure" Kosovo. While estimates of the extent of the emigration vary, there is little doubt that it was extensive. In the mid 1950s, the Serbs made up 35 percent of Kosovo's population; today they are barely 10 percent. Ethnic Albanians reject the Serb charges. They say Serbs left because of the area's poor economic outlook and the Serbs' discomfort at the shift in power from the Serbian minority to the ethnic Albanian majority.

MILOSEVIC AND THE END OF KOSOVO'S AUTONOMY

Despite a purge of "Albanian nationalists" in the government and local Communist party after the 1981 riots, tension in Kosovo did not decrease. By 1987, one Serbian leader recognized the Kosovo issue could serve to increase his own power by inflaming Serbian nationalism. As leader of the Serbian Communist party and later as President of Serbia, Slobodan Milosevic moved take control of Kosovo. In February 1989, the Serbian parliament passed amendments to the Serbian Constitution sharply limiting Kosovo's autonomy. The Kosovo parliament, under heavy pressure by Serbian security forces, did likewise. These actions, coupled with the dismissal and arrest of popular Kosovo Communist Party leader Azem Vllasi, touched off protests and riots that were suppressed by Serbian security forces, with the loss of several dozen lives.

In 1990, Serbia approved further constitutional amendments that eliminated Kosovo's autonomy completely and abolished the Kosovo's parliament and government. Over 100,000 ethnic Albanians in government, the police, enterprises, media, educational institutions, and hospitals have been fired and replaced by Serbs. Amnesty International reports that Serbian police have arrested hundreds of ethnic Albanians for allegedly engaging in nationalist

activities, often beating them brutally and occasionally fatally.¹ Another element of Serbian strategy has been to encourage Serbs to settle in Kosovo, through jobs and financial inducements. However, fearing war and economic deterioration, Serbs have not taken up their government's offer in large numbers.

Ethnic Albanians have reacted to this seizure and monopolization of public institutions by boycotting Serbian institutions and building their own parallel set of political and social institutions. Kosovo's parliament and government refused to be dissolved and went underground. In September 1990, the parliament approved a Constitution that claimed republic status for Kosovo. In September 1991, Kosovars overwhelmingly approved the Constitution. On October 19, 1991, the Kosovo parliament proclaimed the region's independence and was recognized two days later by Albania, the only country to do so thus far. In May 1992, Kosovars went to the polls to elect a new President and 130-member parliament. While Serbian police stopped voting in public places, they did not make a serious attempt to try to stop the election altogether. Turnout was estimated at over 90 percent. Ibrahim Rugova, the leader of the Democratic League of Kosovo (LDK), was elected as President.

Kosovars also established their own schools with the thousands of teachers fired by Serb authorities. Hospitals and clinics were set up by dismissed Albanian doctors. However, this parallel society cannot compensate for the loss of public institutions. The new schools and hospitals are overcrowded and poorly equipped. In addition, mass firings at enterprises now run by Serbs have made an already poor economic situation even worse. Many Kosovars cope by returning to farming or receiving aid from ethnic Albanians overseas.



OCT 12

October 4, 1994

Congressman Eliot Engle
Longworth House Office Building 1433
U.S. Congress
Washington, DC 20510

Dear Congressman Engle:

We appreciate the initiative you have taken to hold hearings on the situation in Kosovo on October 5th. Your leadership and the leadership of others who are supporting the needs of the people of Kosovo is very much appreciated by agencies, such as ours, that are attempting to provide humanitarian assistance to the region.

Mercy Corps International has been the lead U.S. agency in providing humanitarian aid to Kosovo since June 1993. Funded by a grant from OFDA, our assistance has included the provision of food and medical supplies to needy families, as well as the local production and distribution of heating and cooking stoves. In conjunction with other private voluntary organizations, we have also distributed clothes, plastic sheeting, detergent and vegetable seeds.

As a result of our presence in Kosovo, we have been able to enlist the support of private foundations and have encouraged other nongovernmental organizations to provide humanitarian assistance in the region. We have been struck by the interest of U.S. NGOs and believe that if funding were available, more NGOs would expand or begin programs in the region.

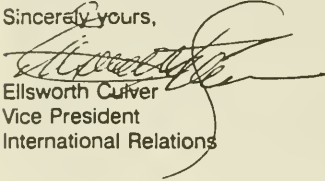
Members of Congress should be encouraged to travel to Kosovo on fact-finding missions to gain first hand experience of the incredibly serious issues that could spark a tragic war, not only in Kosovo but throughout the region.

We also need to lay the groundwork for a strategy of assistance that would not only include humanitarian aid, but initiate conflict resolution, mediation and other peaceful negotiation of issues in the region. The NGO community is well equipped to take on these issues, and should be encouraged to do so.

Finally, I would like to state that our organization is working with InterAction in helping to organize a delegation of high level representatives from the U.S. PVO community to travel to the region to conduct our own needs assessment and to present our concerns to the Serbian government concerning their policies towards Kosovo. We want to encourage a stronger relationship between the efforts of our government and the NGO community and believe this will require strong communication between both sectors.

In closing, I want to say again that we appreciate the initiatives that you are taking to bring greater attention and awareness to U.S. leadership and the general public about the strategic and very threatening situation in the Balkans, particularly in Kosovo.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Ellsworth Culver', written over the typed name and title.

Ellsworth Culver
Vice President
International Relations



October 4, 1994

Congressman Eliot Engle
1433 Longworth House Office Building
U.S. Congress
Washington, DC 20510

Dear Congressman Engle:

As an agency conducting humanitarian economic development projects in Kosovo, I am very interested in the hearings on Kosovo that you are conducting on October 5th.

We have recently heard from one of our colleagues in Kosovo, Julie Mertus, author of *Open Wounds: Human Rights Abuses in Kosovo*, who urged us to pass on the message to you during these hearings that, "It is my view that NGO involvement here is absolutely crucial". She goes on to raise the question, "Why not insist on 'normalizing' operations of NGOs in Kosovo and the Sandzak in return for the easing of sanctions. The restrictions that Belgrade has placed on international NGO operations compromises the ability of NGOs to function and contradicts Milosevic's assertion that Belgrade no longer has anything to do with the Bosnian war."

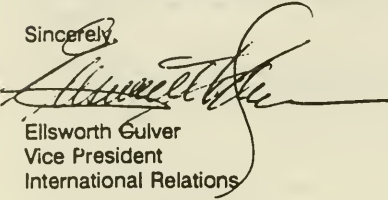
Our colleague continued by suggesting that NGO attempts to extend or begin operations in Kosovo be linked to humanitarian assistance in other needy (both economically and politically) parts of Serbia and Montenegro. "Many refugees there face dire circumstances and Belgrade has stripped many refugees of their refugee status in an attempt to force them back to "liberated" parts of Bosnia. In addition, southern Serbia and parts of Montenegro are extremely poor and neglected by all domestic and international aid groups. No one is addressing these issues.

"A plan to open aid operations to all of Serbia and Montenegro, and not just Kosovo, may be easier for Belgrade to swallow. In addition, over time, a strategy that takes into account the broader picture may be instrumental in facilitating conflict resolution goals as the local employees of international NGOs spread throughout Yugoslavia would, in the course of their operations, become natural agents of the interpersonal conflict resolution process."

I pass these comments along for your consideration because they reflect our view as an agency that humanitarian aid in the Balkans must include create attempts to initiate conflict resolution strategies. We must begin to lay the groundwork now for peace in the future.

Thank you for giving consideration to these thoughts.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ellsworth Gulver", with a long horizontal flourish extending to the right.

Ellsworth Gulver
Vice President
International Relations

OPEN WOUNDS

Human Rights Abuses in Kosovo

**Human Rights Watch/Helsinki
(Formerly Helsinki Watch)**

HUMAN RIGHTS WATCH

Human Rights Watch conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. It addresses the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. In internal wars it documents violations by both governments and rebel groups. Human Rights Watch defends freedom of thought and expression, due process and equal protection of the law; it documents and denounces murders, disappearances, torture, arbitrary imprisonment, exile, censorship and other abuses of internationally recognized human rights.

Human Rights Watch began in 1978 with the founding of its Helsinki division. Today, it includes five divisions covering Africa, the Americas, Asia, the Middle East, as well as the signatories of the Helsinki accords. It also includes four collaborative projects on arms, free expression, prison conditions, and women's rights. It maintains offices in New York, Washington, Los Angeles, London, Moscow, Belgrade, Zagreb and Hong Kong. Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations. It accepts no government funds, directly or indirectly.

The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Allyson Collins, research associate; Richard Dicker, associate counsel; Jamie Fellner, planning coordinator; Ham Fish, senior advisor; Barbara Guglielmo, comptroller; Robert Kimzey, publications director; Gara LaMarche, associate director; Michal Longfelder, development director; Ellen Lutz, California director; Juan Méndez, general counsel; Susan Osnos, communications director; Dinah PoKempner, research associate; Jemera Rone, counsel; Rachel Weintraub, special events director; and Derrick Wong, finance and administration director.

The regional directors of Human Rights Watch are Abdullahi An-Na'im, Africa; Juan E. Méndez, Americas; Sidney Jones, Asia; Jeri Laber, Helsinki; and Andrew Whitley, Middle East. The project directors are Kenneth Anderson, Arms Project; Gara LaMarche, Free Expression Project; Joanna Weschler, Prison Project; and Dorothy Q. Thomas, Women's Rights Project.

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INTRODUCTION AND SUMMARY OF CONCLUSIONS

With the world's attention focused on Bosnia-Herzegovina, Serbia apparently feels free to accelerate with impunity its violations of human rights in Kosovo. Police brutality and abuse in detention has long been "business as usual" in this province of Serbia, where Albanians comprise ninety percent of the population. Yet in 1993 the nature and scope of the abuse expanded markedly. Police raids on homes and marketplaces occur daily, and Serbian authorities have stepped up a campaign to push Albanians out of Serbian-populated areas. Heavily armed Serbian police and regular army forces patrol the streets in Kosovo, creating a state of terror. Increasingly, civilians report that regular army troops are involved in the shootings and harassment, acting alone or in concert with paramilitary forces. As of this writing, dozens of Albanians sit in jail, charged with terrorism and conspiracy to overthrow Yugoslavia. In a society run by brute force and intimidation, where the rule of law has completely disintegrated, it is unlikely that any of these men and women will see a fair trial.

By publishing the words of those who have been beaten and tortured by police — stories that have not been reported by any western press — this report seeks to demonstrate the prevalence and extreme brutality of police violence in Kosovo. The international community must listen and respond to these stories if long-term peace is ever to return to this troubled land. Few people in Kosovo (apart, perhaps, from Serb paramilitary groups) want an all-out war. For the Albanians of Kosovo, a war would be suicidal. The Serbian military and police contingents in Kosovo could quickly crush what appears to be a largely disarmed Albanian civilian population. Whether or not armed conflict erupts in Kosovo, gross human rights violations will continue unless the international community takes immediate action.

International human rights groups have had an increasingly difficult time working in Kosovo.¹ In 1993, Serb officials flatly rejected

¹ "Kosova" is the Albanian language term for "Kosovo." For the purposes of clarity, unless referring to a specific Albanian organization that includes "Kosova" in its name, this report uses "Kosovo" throughout. The report, however, provides the names of cities and villages in both Serbian and Albanian the first time the name is mentioned; at each additional reference, the official (Serbian) name is

the efforts of the Special Rapporteur for the United Nations Human Rights Commission to establish an office in Yugoslavia.² In July 1993, Yugoslavia kicked out the long-term Conference on Security and Cooperation in Europe (CSCE) monitoring mission from Kosovo and elsewhere, and then denied visas to United Nations personnel and to Amnesty International after they indicated a desire to visit Kosovo. In November 1993, police in Kosovo detained and interrogated a Human Rights Watch/Helsinki researcher who was preparing material for this report. Serb officials use intimidation and obstructionist tactics to prevent visitors from seeing what is happening in Kosovo.

Kosovo is a police state. Stripped of the relative autonomy it enjoyed in Tito's time, Kosovo is now under the direct and immediate control of Serb authorities who rule with an iron fist. Contesting the legitimacy of the 1990 constitutional amendments that rendered Kosovo subservient to Serbia, the Kosovo Albanians³ have refused to sign oaths of loyalty to Serbia and Yugoslavia, and instead have organized defiantly for an independent Republic of Kosova.⁴ Under constant government

used.

² "Yugoslavia" refers to the self-proclaimed Federal Republic of Yugoslavia, the union of Serbia (including the provinces of Vojvodina and Kosovo) and Montenegro. Although claiming successor status to the Socialist Federal Republic of Yugoslavia, the Federal Republic of Yugoslavia has not been internationally recognized as a successor state. Still, the current Yugoslav state's declaration that it wishes be recognized as a successor state implies that it is willing to accede to international agreements to which the former Yugoslavia was a party. Therefore, for the purpose of this report, all international obligations assumed by the former Yugoslavia will be transferred to the current state, including the obligations set forth in international and regional agreements to which the former Yugoslavia was a party, particularly the International Covenant on Civil and Political Rights, the Helsinki Final Act and subsequent CSCE documents. For a general statement on the duties of successor states, see Section 208 of the *Restatement of the Foreign Relations of the United States* (American Law Institute 1986).

³ Throughout this report "Albanians" refers to ethnic Albanians in Kosovo.

⁴ For a more detailed historical account, see The International Helsinki Federation, *From Autonomy to Colonization: Human Rights in Kosovo 1989-1993*, November 1993; and Helsinki Watch, *Yugoslavia: Human Rights Abuses in Kosovo*,

pressure Albanians have organized their own "parallel" schools, health care, welfare system and government, headed by Ibrahim Rugova, the leader of the largest Albanian party, the Democratic League of Kosova (LDK — Lidhja Demokratike e Kosoves), who was elected president of Kosova during Albanian-held elections in May 1992.⁵

On the one hand, Serbian authorities tolerate the "parallel" and pro-Kosovo activities of Albanians, allowing even Albanian human rights organizations to exist. On the other hand, Serbian authorities keep a tight lid on Albanian aspirations for independence through a program of forced displacement, harassment, arrest, interrogation and torture. Among other developments:

- *Serbian police have stepped up detention and arrests of Albanians with former Yugoslav military experience and of Albanian intellectuals.* These arrests neatly serve two goals of Serbian authorities. First, by charging the former military officers with conspiring to overthrow Yugoslavia, police spread fear that Albanians are planning an armed revolution. Second, should an uprising occur, the arrests effectively immobilize exactly those Albanians with the specific knowledge and skills necessary for plotting an armed rebellion. As the interviews presented in this report demonstrate, Serb authorities attribute the rash of recent arrests to an increase in Albanian attacks against police officers. Yet, to the best of Human Rights Watch/Helsinki's knowledge, no one has been charged in connection with such incidents.
- *Those tortured or beaten by the police have little recourse in Kosovo as the rule of law is practically nonexistent.* In a state where the judiciary has been robbed of its independence, defendants are routinely convicted solely on "confessions" signed after prolonged torture. This report details some

October 1992.

⁵ For a description of police harassment during the Albanian elections, see Helsinki Watch, *Yugoslavia: Human Rights Abuses in Kosovo*, October 1992, pg. 20-22.

of the major court cases brought against Albanians in the latter half of 1993. Each case illustrates how non-Serbs in Kosovo are denied basic due process rights — from the right to counsel, to the right to remain silent, to the right to be free from torture.

- *Yugoslav army forces and paramilitary troops harass Albanian civilians with increasing frequency.* In one case, detailed in this report, two Yugoslav soldiers opened fire on two young Albanians near the unmarked border with Macedonia, killing one man and seriously wounding the other. The soldiers fired without warning and continued shooting even after the men had fallen down. Paramilitary forces have also been parading throughout Kosovo, preaching hatred of Albanians to Serbian villagers and harassing anyone who stands in their way. Villagers report that paramilitary forces now sometimes work in conjunction with regular police.
- *The Serb-orchestrated forced displacement of Albanians has begun.* In the summer of 1993, in at least four villages near the thin strip of predominantly Serbian villages in northern Kosovo, heavily-armed police squadrons invaded houses, conducted unwarranted searches, and brutally beat and detained Albanians of all ages. While such raids have occurred in the past, the new campaign includes specific threats aimed at terrorizing villagers so they will leave their homes. Authorities in charge of deeds and land supplement the raids on border villages. In September 1993, the municipal authorities and regular police began demanding that Albanians present proof of ownership of their land. Inevitably, the authorities reject whatever deed the villagers produce and order them to vacate their property immediately.

Along with the escalation of police and military abuse of non-Serb civilians, the economic status of Albanians and other non-Serbs in Kosovo has declined. Many Albanian families subsist solely on contributions sent by relatives working abroad. Most Albanian children are schooled in

private homes, and police routinely harass, detain, and interrogate them and their teachers for attending the "illegal" Albanian-run schools. Most Albanian doctors, having been laid off *en masse* two years ago, practice medicine in store front operations run on shoestring budgets, charging little or nothing for services. And a fledgling Albanian-run welfare system continues to aid a large percentage of the population, despite Serb interference with humanitarian aid sent from abroad.

The purpose of this report is not to offer a complete list of human rights violations — as, unfortunately, the magnitude of abuse renders that impossible — nor is it to repeat information published elsewhere.⁶ Rather, by drawing from Human Rights Watch/Helsinki's own first hand interviews in Kosovo conducted in the latter half of 1993, this report seeks to describe some of the most recent and pressing developments.

Among other recommendations set forth in this report, Human Rights Watch/Helsinki calls on the government of Serbia to immediately:

- Cease the harassment, interrogation and arrest of individuals who meet with or aid foreign delegations;
- Cease the harassment, interrogation and arrest of local and foreign individuals and groups who investigate human rights abuses in Kosovo;
- Prosecute individuals, members of paramilitary groups and the police that harass political and ethnic minorities and carry guns illegally;

⁶ For other accounts, see The International Helsinki Federation, *From Autonomy to Colonization: Human Rights in Kosovo 1989-1993*, November 1993; Helsinki Watch, *Human Rights Abuses in Kosovo*, October 1992; Michael W. Galligan et. al., "The Kosovo Crisis and Human Rights in Yugoslavia: A Report of the Committee on International Human Rights," *Record of the Association of the Bar of the City of New York*, Vol. 46, No. 3, April 1991; Helsinki Watch and International Helsinki Federation, *Yugoslavia: Crisis in Kosovo*, March 1990; Helsinki Watch, *Increasing Turbulence: Human Rights in Yugoslavia*, October 1989.

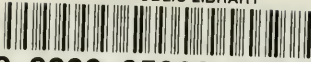
- Investigate Yugoslav army recruits and officers responsible for use of undue force against Albanian civilians;
- Cease all police, military and other activity aimed at forcibly removing non-Serbs from their homes;
- Immediately cease the use of torture against detainees;
- Investigate and punish police and security officers responsible for treating Albanians in detention in an inhumane manner;
- End random street stops and searches and require a warrant for entering a private residence or business;
- Allow persons to assemble freely at peaceful gatherings including meetings which are aimed at criticizing the Serbian government or Serbian rule;
- Respect the freedom of the press and the freedom of speech and expression of all persons and organizations in Kosovo;
- Reinstall an independent judiciary with respect for due process and the rule of law;
- Drop all charges against persons who have been indicted for peaceful expression of opinion or for membership in a group which is banned or looked upon unfavorably by the Serbian government;
- Drop all pending and future charges based solely on "confessions" extracted by force, as well as charges based solely on material discovered in searches without warrants;

- Cease the harassment, beatings and interrogations of Albanian educators and school children, and provide access to education on a nondiscriminatory basis;
- Reinstall all of those unlawfully dismissed from their jobs because of ethnic or political affiliation;

The international community must act as well. The United Nations and the CSCE should declare that Serbian officials' treatment of ethnic and political minorities in Yugoslavia, including Kosovo, is in violation of international human rights norms. At the same time, the United Nations and the CSCE should take immediate steps to reinstate long term human rights monitors in Kosovo. Given the detailed documentation of human rights abuses in the region, no justification exists for continued inaction.



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